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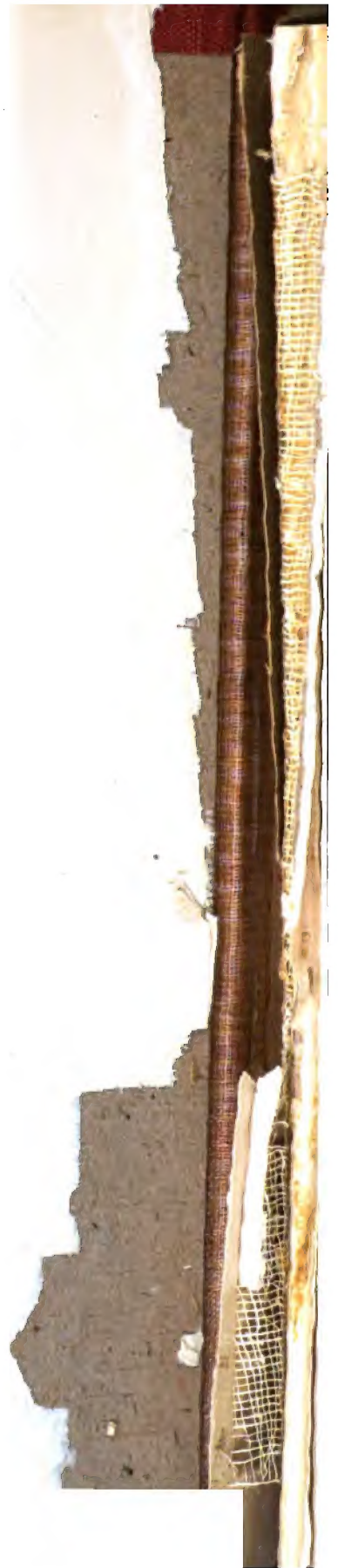
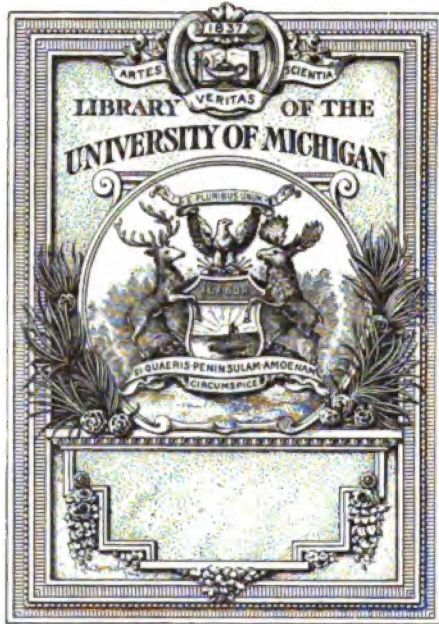
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LAW





New York (State) Public Service Commission. 1st District.

PROCEEDINGS

OF THE

Public Service Commission

For the First District, State of New York

VOLUME II.

January 1st to May 29th, 1908

(Index at the end of Volume III)

COMMISSIONERS

WILLIAM R. WILLCOX, Chairman
WILLIAM MCCARROLL
EDWARD M. BASSETT
MILO R. MALTBIE
JOHN E. EUSTIS



TRAVIS H. WHITNEY
Secretary

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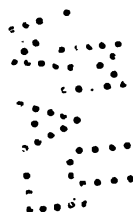
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PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, JANUARY 3, 1908,

AT TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

There were present—Commissioner Milo R. Maltbie, Acting Chairman, Commissioners William McCarroll, Edward M. Bassett, John E. Eustis, Secretary Travis H. Whitney.

The Chairman was excused because of absence on business of the Commission.

(1)

2914

The Secretary presented an application by The City of New York for the Commission to determine whether First, Second and Third streets should pass over, under or at grade of the tracks of the Northside Division of the Long Island Railroad, and a request that the Commission appoint a time and place for a hearing.

It was moved, and duly seconded, that the matter be referred to the Counsel to the Commission.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The application was as follows:

In the Matter
of

The application of The City of New York, relative to acquiring title to Cleveland avenue, between Thomson avenue and Skillman avenue; First street, between Thomson avenue and Jackson avenue; Second street, between Woodside avenue and Jackson avenue, and Third street, between Thomson avenue and Jackson avenue, in the Borough of Queens, The City of New York.

To the Public Service Commission, First District:

Whereas, The Board of Estimate and Apportionment of The City of New York, by a resolution adopted on the 19th day of April, 1907, initiated proceedings in the

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name of The City of New York to acquire title for the use of the public to the lands, tenements and hereditaments required for the purpose of opening and extending:

Cleveland avenue, between Thomson avenue and Skillman avenue;

First street, between Thomson avenue and Jackson avenue;

Second street, between Woodside avenue and Jackson avenue; and

Third street, between Thomson avenue and Jackson avenue, in the Borough of Queens, in The City of New York; and

Whereas, The said First street, Second street and Third street, so proposed to be opened, cross the tracks of the Northside Division of the Long Island Railroad Company; and

Whereas, In pursuance of section 61 of the Railroad Law (chapter 565, Laws of 1890), notice of the intention of The City of New York to lay out said First street, Second street and Third street across the tracks of the said Northside Division of the Long Island Railroad Company was given to said railway company on April 1, 1907; and

Whereas, In pursuance of section 61 of the Railroad Law, a hearing was had thereon before the Board of Estimate and Apportionment on April 19, 1907; and

Whereas, The said Board on the said date duly determined that it was necessary that said First street, Second street and Third street should cross the tracks of the said Northside Division of the Long Island Railroad Company; and

Whereas, Section 61 of the Railroad Law provides that application shall be made to the Board of Railroad Commissioners to determine whether such streets shall pass over or under such railroad, or at grade; and

Whereas, The Corporation Counsel of The City of New York was requested by the said Board of Estimate and Apportionment, in a resolution adopted on the 19th day of April, 1907, to take the necessary steps to have the Board of Railroad Commissioners determine whether the said First street, Second street and Third street shall pass over or under such railroad, or at grade; and

Whereas, By chapter 429 of the Laws of 1907, the Board of Railroad Commissioners has been abolished and all the powers and duties of said Board are devolved upon and are to be exercised and performed by the Public Service Commission;

Now, The City of New York, in pursuance of said chapter 429 of the Laws of 1907, and of section 61 of the Railroad Law, applies to the Public Service Commission of the First District to determine whether the said First, Second and Third streets shall pass over or under, or at grade of the tracks of the said Northside Division of the Long Island Railroad Company, and requests that the Public Service Commission of the First District appoint a time and place for a hearing in relation thereto, and that

a notice of the time and place of such hearing be served upon the Corporation Counsel of The City of New York.

Dated New York, December 18, 1907.

(Signed) F. K. PENDLETON,
Corporation Counsel of The City of New York.

Note—It has been proposed by the Long Island Railroad Company to elevate their tracks, but have as yet made no move to do same.

The plans are filed, and when the tracks are elevated, the above streets, First, Second and Third, will cross under the railroad. If the streets are at present regulated and graded as proposed, they will cross the tracks at grade.

(2)

2950

The Secretary presented an application by The City of New York for the Commission to determine whether Grout avenue should pass over, under or at grade of the tracks of the Flushing and Northside Division of the Long Island Railroad, and a request that the Commission appoint a time and place for a hearing.

It was moved and duly seconded that the matter be referred to the Counsel to the Commission.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The application was as follows:

In the Matter
of

The application of The City of New York,
relative to acquiring title to Grout avenue, between Greenpoint avenue and Fisk avenue, Second Ward, Borough of Queens, City of New York.

To the Public Service Commission of the First District:

Whereas, The Board of Estimate and Apportionment of The City of New York, by a resolution adopted on the 19th day of April, 1907, initiated proceedings in the name of The City of New York to acquire title for the use of the public to the lands, tenements and hereditaments required for the purpose of opening and extending Grout avenue, from Greenpoint avenue to Fisk avenue, Second Ward, Borough of Queens, in The City of New York; and

Whereas, The said Grout avenue, so proposed to be opened, crosses the track of the Flushing and Northside Division of the Long Island Railroad Company; and

Whereas, In pursuance of section 61 of the Railroad Law (chapter 565, Laws of 1890), notice of the intention of The City of New York to lay out said Grout street across the tracks of the said Flushing and Northside Division of the Long Island Railroad Company was given to said railroad company on April 1, 1907; and

Whereas, In pursuance of section 61 of the Railroad Law, a hearing was had thereon before the Board of Estimate and Apportionment on April 19, 1907; and

Whereas, The said Board on the said day duly determined that it was necessary that the said Grout avenue should cross the tracks of the Long Island Railroad as aforesaid; and

Whereas, Section 61 of the Railroad Law provides that application shall be made to the Board of Railroad Commissioners to determine whether Grout avenue shall pass over or under such railroad, or at grade; and

Whereas, The Corporation Counsel of The City of New York was requested by the said Board of Estimate and Apportionment, in a resolution adopted on the 19th day of April, 1907, to take the necessary steps to have the Board of Railroad Commissioners determine whether Grout avenue shall pass over or under such railroad, or at grade; and

Whereas, By chapter 429 of the Laws of 1907, the Board of Railroad Commissioners has been abolished and all the powers and duties of said Board are devolved upon and are to be exercised and performed by the Public Service Commission;

Now, The City of New York, in pursuance of said chapter 429 of the Laws of 1907, and of section 61 of the Railroad Law, applies to the Public Service Commission of the First District to determine whether Grout avenue shall pass over or under or at grade of the tracks of the said Flushing and Northside Division of the Long Island Railroad Company, and requests that the Public Service Commission of the First District appoint a time and place for a hearing in relation thereto, and that a notice of the time and place of such hearing be served upon the Corporation Counsel of The City of New York.

Dated New York, December 18, 1907.

(Signed) F. K. PENDLETON,
Corporation Counsel of The City of New York.

Note—Grout avenue would be grade crossing if regulated at present. Will cross under railroad when elevated.

(3)

2960

The Secretary presented an application by The City of New York for the Commission to determine whether Sixth and Seventh streets should pass over, under, or at grade of the tracks of the Northside Division of the Long Island Railroad, and a request that the Commission appoint a time and place for a hearing.

It was moved and duly seconded that the matter be referred to the Counsel to the Commission.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The application was as follows:

In the Matter

of

The application of The City of New York, relative to acquiring title to Kelly avenue, between Woodside avenue and Jackson avenue; Sixth street, between Thomson avenue and Seventh street; and Seventh street, between Thomson avenue and Jackson avenue, Second Ward, in the Borough of Queens, City of New York.

To the Public Service Commission, First District:

Whereas, The Board of Estimate and Apportionment of The City of New York, by a resolution adopted on the 19th day of April, 1907, initiated proceedings in the name of The City of New York to acquire title for the use of the public to the lands, tenements and hereditaments required for the purpose of opening and extending Kelly avenue, between Woodside avenue and Jackson avenue; Sixth street, between Thomson avenue and Seventh street; and Seventh street, between Thomson avenue and Jackson avenue, in the Second Ward, Borough of Queens, City of New York; and

Whereas, The said Sixth street and Seventh street so proposed to be opened cross the tracks of the Northside Division of the Long Island Railroad Company; and

Whereas, In pursuance of section 61 of the Railroad Law (chapter 565, Laws of 1890), notice of the intention of The City of New York to lay out said Sixth and Seventh streets across the tracks of the said Northside Division of the Long Island Railroad Company was given to said railroad company on April 1, 1907; and

Whereas, In pursuance of section 61 of the Railroad Law, a hearing was had thereon before the Board of Estimate and Apportionment on April 19, 1907; and

Whereas, The said Board on the said date duly determined that it was necessary that the said Sixth and Seventh streets cross the tracks of the said Northern Division of the Long Island Railroad Company; and

Whereas, Section 61 of the Railroad Law provides that application shall be made to the Board of Railroad Commissioners to determine whether such streets shall pass over, or under, such railroad, or at grade; and

Whereas, The Corporation Counsel of The City of New York was requested by the said Board of Estimate and Apportionment, in a resolution adopted on the 19th day of April, 1907, to take the necessary steps to have the Board of Railroad Commissioners determine whether the said Sixth and Seventh streets shall pass over or under such railroad or at grade; and

Whereas, By chapter 429 of the Laws of 1907, the Board of Railroad Commissioners has been abolished and all the powers and duties of said Board are devolved upon and are to be exercised and performed by the Public Service Commission;

Now, The City of New York, in pursuance of said chapter 429 of the Laws of 1907, and of section 61 of the Railroad Law, applies to the Public Service Commission of the First District to determine whether the said Sixth and Seventh streets shall pass over or under or at the grade of the tracks of the said Northside Division of the Long Island Railroad Company, and requests that the Public Service Commission of the First District appoint a time and place for a hearing in relation thereto, and that notice of the time and place of such hearing be served upon the Corporation Counsel of The City of New York.

Dated December 18, 1907.

(Signed) F. K. PENDLETON,
Corporation Counsel of The City of New York.

(4)

2916

The Secretary presented an application by The City of New York for the Commission to determine whether Hegan avenue should pass over, under or at grade of the tracks of the Manhattan Beach Branch of the Long Island Railroad Company, and of the Brooklyn and Rockaway Beach Railroad Company, and a request that the Commission appoint a time and place for a hearing.

It was moved, and duly seconded, that the matter be referred to the Counsel to the Commission.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The application was as follows:

In the Matter
of

The application of The City of New York,
relative to acquiring title to Hegeman
avenue, between East Ninety-eighth
street and New Jersey avenue, in the
Borough of Brooklyn, City of New
York.

To the Public Service Commission of the First District:

Whereas, The Board of Estimate and Apportionment of The City of New York, by a resolution adopted on the 19th day of April, 1907, initiated proceedings in the name of The City of New York to acquire title for the use of the public to the lands, tenements and hereditaments required for the purpose of opening and extending Hegeman avenue, in the Borough of Brooklyn, City of New York; and

Whereas, The said Hegeman avenue so proposed to be opened crosses the tracks of the Manhattan Beach Branch of the Long Island Railroad Company and the Brooklyn and Rockaway Beach Railroad Company; and

Whereas, In pursuance of section 61 of the Railroad Law (chapter 565 of the Laws of 1890), notice of the intention of The City of New York to lay out said Hegeman avenue across the tracks of said Manhattan Beach Branch of the Long Island Railroad Company and the Brooklyn and Rockaway Beach Railroad Company was given to said railroad companies on the first day of April, 1907; and

Whereas, In pursuance of section 61 of the Railroad Law, a hearing was held thereon before the Board of Estimate and Apportionment on the 19th day of April, 1907; and

Whereas, The said Board of Estimate and Apportionment, on the said 19th day of April, 1907, duly determined that it was necessary that the said Hegeman avenue should cross the tracks of the Manhattan Beach Branch of the Long Island Railroad Company and the Brooklyn and Rockaway Beach Railroad Company, as aforesaid; and

Whereas, Section 61 of the Railroad Law provides that application shall be made to the Board of Railroad Commissioners to determine whether such street shall pass over or under such railroads, or at grade; and

Whereas, The Corporation Counsel of The City of New York was requested by the said Board of Estimate and Apportionment, in a resolution adopted on the 19th day of April, 1907, to take the necessary steps to have the Board of Railroad Commissioners determine whether said Hegeman avenue shall pass over or under said railroads, or at grade; and

Whereas, By chapter 429 of the Laws of 1907 the Board of Railroad Commissioners was abolished and all the powers and duties of said Board are devolved upon and are to be exercised and performed by the Public Service Commission;

Now, therefore, The City of New York, in pursuance of chapter 429 of the Laws of 1907, and of section 61 of the Railroad Law, applies to the Public Service Commission of the First District to determine whether the said Hegeman avenue shall pass over or under or at grade of the tracks of said Manhattan Beach Branch of the Long Island Railroad Company and the Brooklyn and Rockaway Beach Railroad Company, and requests that the Public Service Commission of the First District appoint a time and place for a hearing in relation thereto and that a notice of the time and place of such hearing be served upon the Corporation Counsel of The City of New York.

Dated New York, December 18, 1907.

(Signed) F. K. PENDLETON,

Corporation Counsel of The City of New York.

Note—Hegeman avenue crosses the railroad tracks referred to at grade at present, the railroad tracks being elevated at this point.

(5)

2872

The Secretary presented a report of the Grand Jury of the County of Queens, in attendance upon the December, 1907, term of the County Court of Queens County, as to investigation by them of the trolley cars of the New York and Queens County Railway Company in Long Island City, with special reference to the use of arc headlights, and to the failure of the company to provide proper signs designating the different lines.

Commissioner Bassett—"It is right to say, in that connection that District Attorney Darrin of Queens County was here yesterday, and has on several occasions conferred with me regarding these shortcomings of the Queens County lines. He has prepared a tabulation of the time of summer cars, overcrowding, etc., having hired helpers to do that, and on account of the shortness of his appropriation, he has not been able to have the matter digested and abstracted, and has at my suggestion brought all of that tabulated material here, and I have put it in the hands of the Transit Inspection Department, for them to take care of through the winter, in the expectation that next summer it can be used as the basis for having the summer travel better attended to."

It was moved and duly seconded, that the presentment of the Grand Jury be referred to one Commissioner, as a Committee.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Acting Chairman designated Commissioner Bassett as such Committee.

(6)

2063

The Secretary presented notices of deposit from the Department of Finance, which were ordered on file, and which stated:

(1) That the Comptroller had deposited \$8,000 to the credit of Rapid Transit Fund No. 2 (Public Service Commission), authorized January 25, 1907, \$3,614; March 22, 1907, \$4,386; pursuant to section 10, chapter 4, Laws of 1891, and section 7, chapter 752, Laws of 1894, as amended.

(2) That the Comptroller had deposited \$183,000 to the credit of Rapid Transit Construction Fund, Manhattan-Bronx, authorized March 31, 1905, pursuant to chapter 4, Laws of 1891, as amended by chapter 7, Laws of 1900 and sections 45, 169 and 170 of the Greater New York Charter as amended.

(3) That the Comptroller had deposited \$3,000 to the credit of Rapid Transit Fund No. 2 (Public Service Commission), authorized January 25, 1907, pursuant to section 10, chapter 4, Laws of 1891, and section 7, chapter 752, Laws of 1894, as amended.

(7)

1789

On motion, duly seconded, it was

Resolved, That the following appointment be made from the Civil Service list:

Mary L. K. Murphy, Telephone Operator; salary, \$50 per month; to take effect, January 6, 1908.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

Commissioner McCarroll entered the meeting at this point.

(9)

2795

The Secretary presented a communication from the State Civil Service Commission, transmitting the following resolution:

Resolved, That H. Anderson, employed as Janitor at the office of the First Division of the Engineering Department, Public Service Commission for the First District, be and hereby is excepted from examination under the provisions of Civil Service Rule VIII, subdivision 9, it appearing that said person is engaged in private business and that the services rendered are of an occasional and exceptional character: provided, however, that his compensation shall not exceed \$6 per month.

On motion, duly seconded, it was

Resolved, That the following appointment be made:

H. Anderson, Janitor (exempt); salary, \$6 per month; to take effect on occupancy of premises by First Division.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(10)

2742

The Secretary presented a communication from the State Civil Service Commission, transmitting the following resolution, which was ordered filed:

Resolved, That the application of the Public Service Commission, for the First District for the suspension of competition, under the provisions of Rule VIII, subdivision 5, in the case of the appointment of Louis D. Foquet as assistant to the Chief Engineer, be and hereby is denied, and the Secretary directed to notify the Public Service Commission that the Chief Examiner will arrange for an open competitive examination for the position of assistant to the Chief Engineer upon receipt of formal request for the same, and that when said request is filed the Commission may nominate Mr. Foquet or any other person for provisional examination under Rule VIII, subdivision 4.

(11)

2890

The Secretary presented a communication from the City Club of New York, expressing its views against the proposed ordinance to limit to sixty-five the number of passengers that may ride on a street surface car at any one time, and recommending that the Commission require the operating companies to furnish during a stated time on each line a designated number of seats. On motion, the communication was ordered filed.

(12)

1831

The Secretary presented a communication from the Ridgewood Heights Civic Association, requesting a hearing bearing on the transit facilities of the Borough of Queens.

It was moved, and duly seconded, that the matter be referred to one Commissioner as a committee.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Acting Chairman appointed Commissioner Bassett as such committee.

(13)

1625

The Secretary presented a communication from Henry B. Seaman, Chief Engineer, transmitting for execution by the Commission a lease of premises at No. 317 Furman street, Brooklyn, which had been and were to be used as a suboffice of the Fifth Division, for the year 1908, the terms of the lease being the same as those of 1907, with the exception of a provision to terminate the lease on sixty days' notice from either party to the other, as the premises would probably be needed for only a few months longer.

It was moved by Commissioner Eustis, and duly seconded, that the above mentioned lease be executed by the Commission, as he, as Committee on Rooms, had examined the lease.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(14)

O-164

The Secretary stated that a communication had been received from the Coney Island and Brooklyn Railroad Company, upon Order No. 164 of Commissioner Bassett, notifying the Commission that the terms of the order were accepted and would be obeyed, except in the following three particulars, upon which the company requested a rehearing:

(1) The maintaining of gear cases half full of gear grease or other lubricant.

(2) The *immediate* replacement of wheels with flat spots or undue wear by wheels in good and proper condition.

(3) Varnishing the interior of all its cars.

On motion, duly seconded, the matter was referred to Commissioner Bassett.

(15)

O-172

The Secretary stated that a communication had been received from the Brooklyn Union Elevated Railroad Company, upon Final Order No. 172, which required it by January 10 to place in good condition its present platforms at the Covert avenue station of its Lutheran Cemetery line, and to construct new platforms by May 1, notifying the Commission that the terms of the order were accepted and would be obeyed.

The communication was ordered filed.

(16)

O-173

The Secretary stated that a communication had been received from the Brooklyn Union Elevated Railroad Company, upon Final Order No. 173, which required it to erect adequate shelter partitions and improve the waiting rooms at the Thirty-sixth

street station of its Fifth avenue line, notifying the Commission that the terms of the order were accepted and would be obeyed.

The communication was ordered on file.

(17)

O-184

The Secretary presented the following order for hearing for adoption by the Commission:

HEARING ORDER (No. 184).

By Commissioner Bassett.

Frank Bennett,
Complainant,

vs.

South Brooklyn Railway Company,
Defendant.

Upon the complaint of Frank Bennett herein, dated November 30, 1907, on which Order No. 124 was issued December 3, 1907, and the answer of the South Brooklyn Railway Company thereto, dated December 12, 1907,

Ordered, That upon the matters therein, a hearing be had on the 16th day of January, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at No. 154 Nassau street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and proper.

Further Ordered, That said Frank Bennett, of Avondale and Willard streets, Woodhaven, Borough of Brooklyn, New York City, and the said South Brooklyn Railway Company be given at least ten days' notice of such hearing, by service upon each of them, either personally or by mail, of a certified copy of this order, and that at such hearing they may be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Dated New York, December 31, 1907.

E. M. BASSETT, Commissioner.

It was thereupon moved, and duly seconded, that the foregoing order be approved, confirmed and ordered filed in the office of the Commission.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to preside.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

SATURDAY, JANUARY 4, 1908,
AT TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

There were present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis, Secretary Travis H. Whitney.

(1)

2878

On motion, duly seconded, it was

Resolved, That James B. Walker be appointed as Second Assistant Secretary, at a salary of \$3,300 per year, to take effect January 4, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(2)

2887

The Secretary presented a communication from George S. Coleman, Counsel to the Commission, suggesting the advisability of having prepared a complete index of the eight volumes of minutes of the Board of Rapid Transit Commissioners.

On motion, duly seconded, it was thereupon

Resolved, That the Secretary be directed to have prepared a complete index of the minutes of the Board of Rapid Transit Commissioners, and that he be authorized to have the same published as Volume IX of the said minutes.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

street station of its Fifth avenue line, notifying the Commission that the terms of the order were accepted and would be obeyed.

The communication was ordered on file.

(17)

O-184

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HEARING ORDER (No. 184).

By Commissioner Bassett.

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Complainant,

vs.

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To the end that the Commission may make such order or orders in the premises as shall be just and proper.

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Dated New York, December 31, 1907.

E. M. BASSETT, Commissioner.

It was thereupon moved, and duly seconded, that the foregoing order be approved, confirmed and ordered filed in the office of the Commission.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to preside.

TRAVIS H. WHITNEY, SECRETARY.

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Nays—None.

Carried.

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On motion, duly seconded, it was thereupon

Resolved, That the Secretary be directed to have prepared a complete index of the minutes of the Board of Rapid Transit Commissioners, and that he be authorized to have the same published as Volume IX of the said minutes.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(3)

O-185

Commissioner McCarroll presented the following final order for adoption by the Commission:

FINAL ORDER (No. 185).

In the Matter

of

The hearing on the motion of the Commission on the question of improvement in and addition to the service and equipment of the Richmond Light and Railroad Company.

Under order for hearing made November 11, 1907.

This matter coming on upon the report of the hearing had herein on the 21st day of November, 1907, and it appearing that the said hearing was held by and pursuant to an order of this Commission made November 11, 1907, and returnable on November 21, 1907, and that the said order was duly served upon the Richmond Light and Railroad Company, and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on November 21, 1907, and by an adjournment duly had on November 27, 1907, and by an adjournment duly had on December 4, 1907, and by adjournment duly had on December 6, 1907, and by adjournment duly had on December 9, 1907, and by adjournment duly had on December 11, 1907, and by adjournment duly had on December 17, 1907, and by adjournment duly had on December 20, 1907, and by adjournment duly had on December 31, 1907, and by adjournment duly had again on December 31, 1907, and at all of said sessions Mr. Commissioner McCarroll presiding, and Abel E. Blackmar, Esq., Counsel to the Commission, appearing for the Commission at the session of November 21, 1907, Adrian H. Larkin, Esq., appearing for the Richmond Light and Railroad Company, and at all of the other sessions Arthur DuBois, Esq., appearing for the Commission, and Adrian H. Larkin, Esq., appearing for the Richmond Light and Railroad Company, and proof having been taken at all of said sessions, except at the two sessions of December 31, 1907,

Now, it being made to appear after the proceedings upon said hearing that changes, improvements and additions in and to the regulations, equipment, appliances and service of the Richmond Light and Railroad Company in respect to the transportation of persons in the First District upon its various lines ought reasonably to be made in the manner below set forth in order to promote the security or convenience of the public, or of its employees, or in order to secure adequate service and facilities for the transportation of passengers, and it being made to appear that

the changes, additions and improvements in regulations, equipment, appliances and service of the said company, as below set forth, are such as are just, reasonable, safe, adequate and proper, and ought reasonably to be made in order to promote the security and convenience of the public and employees.

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is Ordered,

(1) That the service of the Richmond Light and Railroad Company on its St. George to Elizabethport Ferry line be supplemented and changed as follows:

(a) That the schedules be so arranged that daily, except Sundays, not less than two (2) cars leave St. George within five minutes after the arrival of each ferryboat from Manhattan, between the hours of 5 and 7 p. m., and run over the Richmond terrace, at least to the foot of Richmond avenue, Port Richmond. One of the cars must continue to the Elizabethport Ferry.

(b) That the Sunday schedules be so arranged that not less than forty-four (44) cars be run from St. George to Elizabethport Ferry over the Richmond terrace between the hours of 12 m. and 6 p. m.

(2) That all cars signed to run to St. George or to the New York Ferry at St. George be actually run over the elevated structure to the entrance of the ferry, and not stopped at Jay street.

(3) That the service of the Richmond Light and Railroad Company on its Castleton avenue line be supplemented and changed as follows:

(a) That the schedules be so arranged that daily, except Sundays, not less than two (2) cars leave St. George within five minutes after the arrival of each ferryboat from Manhattan, between the hours of 5 and 7 p. m., and run over the Castleton avenue route to Columbia street.

(b) That the schedules be so arranged that daily, except Sundays, not less than two (2) cars leave Columbia street and run over the Castleton avenue route to St. George to meet each boat leaving St. George between the hours of 7.45 and 8.45 a. m., both inclusive.

(4) That the following additions and changes in equipment be made and completed as soon as possible, but not later than May 15, 1908:

(a) That the company pass through the shops, making every required repair, all the present open car bodies, and all trucks and equipment, turning them out in as perfect condition as possible.

(b) That the company provide and equip all cars in service with two new automatic circuit breakers of sufficient capacity and modern type.

(c) That the company provide and equip each of its cars in service with a gear case for each motor thereon, and that each gear case shall at all times be maintained

with sufficient gear grease to reduce the noise made by the gear and pinion to a minimum. The gear case should preferably be maintained half full of grease.

(d) That the company provide and maintain, in good condition, on all of its cars in service, two head lights of the type used upon the fifteen-bench open cars, numbered 71 to 90, or light of equal power that will not project from the dash of the car further than those upon the fifteen-bench open cars numbered 71 to 90.

(e) That the company provide and maintain in good condition two sets of fenders, complete, upon each car in service.

(f) That the company provide and equip each car in service with proper lightning arrest equipment.

(g) That the company exercise care that trolley ropes are of sufficient length to permit of trolley wheel following the trolley wire at railway crossings.

(h) That no more overhead trolley wire of the size known as No. 6 be erected, but that all new wire constructed and all repairs and replacing of old or worn wire be made with No. 00 wire.

(i) That the company carefully examine all wooden poles and change those that show a dangerous condition from decay or other cause and reset all poles that have excessive lean.

(j) That the company overhaul all sections of track now in condition that cars cannot be operated at normal speed without severe oscillation, and make track suitable for satisfactory operation of fifteen-bench open cars. This refers particularly to all sections outside the paved streets.

(k) That the company exercise great care that all cars are properly equipped with sand box outfits, and that they are at all times kept supplied with suitable sand.

And it is further

Ordered, That this order shall take effect on January 10, 1908, and shall continue in force for a period of two years from and after the date of its taking effect, but without prejudice to an order for further or additional hearings, and action thereon by the Commission in respect of anything herein prescribed, or in respect of anything covered by the order for hearing herein prior to the expiration of said period of two years.

And it is further

Ordered, That before January 10, 1908, the said Richmond Light and Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

It was moved, and duly seconded, that the foregoing order be approved and confirmed, and ordered filed in the office of the Commission.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(4)

O-186

Commissioner McCarroll presented the following Final Order for adoption by the Commission:

FINAL ORDER (No. 186).

In the Matter

of

The hearing on the motion of the Commission on the question of improvement in and addition to the service and equipment of the Staten Island Midland Railway Company.

Under order for hearing, made November 11, 1907.

This matter coming on upon the report of the hearing had herein on the 21st day of November, 1907, and it appearing that the said hearing was held by and pursuant to an order of this Commission, made November 11, 1907, and returnable on November 21, 1907, and that the said order was duly served upon the Staten Island Midland Railway Company, and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on November 21, 1907, and by an adjournment duly had on November 27, 1907, and by an adjournment duly had on December 4, 1907, and by adjournment duly had on December 6, 1907, and by adjournment duly had on December 9, 1907, and by adjournment duly had on December 11, 1907, and by adjournment duly had on December 17, 1907, and by adjournment duly had on December 20, 1907, and by adjournment duly had on December 31, 1907, and by adjournment duly had again on December 31, 1907, and at all of said sessions, Mr. Commissioner McCarroll presiding, and Abel E. Blackmar, Esq., Counsel to the Commission, appearing for the Commission at the session of November 21, 1907, Adrian H. Larkin, Esq., appearing for the Staten Island Midland Railway Company, and at all of the other sessions Arthur DuBois, Esq., appearing for the Commission, and Adrian H. Larkin, Esq., appearing for the Staten Island Midland Railway Company, and proof having been taken at all of said sessions, except at the two sessions of December 31, 1907.

Now it being made to appear after the proceedings upon said hearing that changes, improvements and additions in and to the regulations, equipment, appliances and service of the Staten Island Midland Railway Company in respect to the transportation of persons in the First District upon its various lines ought reasonably to be made in the manner below set forth in order to promote the security or convenience of the public, or of its employees, or in order to secure adequate service and facilities for the transportation of passengers, and it being made to appear that the changes, additions and improvements in regulations, equipment, appliances and service of the said company,

as below set forth, are such as are just, reasonable, safe, adequate and proper, and ought reasonably to be made in order to promote the security and convenience of the public and employees.

Therefore, On motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered—

(1) That the service of the Staten Island Midland Railway Company, on its Silver Lake line, be supplemented and changed so that daily, except Sundays, not less than two cars leave St. George within five minutes after the arrival of each ferry-boat from Manhattan, between the hours of 5 and 7 p. m., and run over Silver Lake and Richmond turnpike route to Port Richmond.

(2) That all cars signed to run to St. George or to the New York Ferry at St. George be actually run over the elevated structure to the entrance of the ferry, and not stopped at Jay street.

(3) (b) That the company replace with new parts all broken, cracked or defective parts of the Bemis or St. Louis trucks now or recently in use under the closed car bodies numbers 150 to 163, inclusive.

(c) That the company pass through the shops, making every required repair, all the present open car bodies, trucks, equipment, turning them out in as perfect condition as possible before May 15, 1908.

(d) That the company provide and equip all cars in service with two new automatic circuit breakers of sufficient capacity and modern type.

(e) That the Company provide and equip each of its cars in service with a gear case, for each motor thereon, and that each gear case shall at all times be maintained with sufficient gear grease to reduce the noise made by the gear and pinion to a minimum. The gear case should preferably be maintained half full of grease.

(f) That the company provide and maintain in good condition on all of its cars in service, two head lights, of the type used upon the 15-bench open cars, numbered 71 to 90, on the Richmond Light and Railroad Company, or headlights of some other type of not less power that will not project from the dash of the car further than those upon the 15-bench cars of the Richmond Light and Railroad Company, Nos. 71 to 90.

(g) That the company provide and maintain in good condition two sets of fenders, complete, upon each car in service.

(h) That the company provide and equip each car in service with proper lightning arrest equipment.

(j) That the company exercise care that trolley ropes are of sufficient length to permit of trolley wheel following the trolley wires at railway crossings.

(k) That no more overhead trolley wire of the size known as No. 0 be erected, but that all new wire construction and all repairs and replacing of old or worn wire be made with No. 00 wire.

(m) That the company carefully examine all wooden poles and change those that show a dangerous condition from decay or other cause and reset all poles that have excessive lean.

(o) That the company overhaul all sections of track now in such condition that cars cannot be operated at normal speed without severe oscillation, and make track suitable for satisfactory operation of 15-bench open cars. This refers particularly to all sections outside the paved streets.

(p) That the company exercise great care that all cars are properly equipped with sand box outfits and that they are at all times kept supplied with suitable sand.

And it is further

Ordered, That this order shall take effect January 10, 1908, but the provisions in section 3 and its subdivisions shall be completed as soon as possible, but not later than May 15, 1908. This order shall continue in force for a period of two years from and after its date, but without prejudice to an order for further or additional hearings and action thereon by the Commission in respect of anything herein prescribed, or in respect of anything covered by the order for hearing herein prior to the expiration of said period of two years.

And it is further

Ordered, That before January 10, 1908, the said Staten Island Midland Railway Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

It was moved and duly seconded that the foregoing order be approved and confirmed, and ordered filed in the office of the Commission.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(5)

O-187

ORDER (No. 187).

On motion, duly seconded, it was

Resolved, That the Brooklyn Union Elevated Railroad Company be requested to furnish the following information:

(1) Statement of the number of passengers by the month carried on the Brighton Beach line during the year ending December 31, 1907.

(2) Statement as to whether these figures are based on cash fares, or, if otherwise, on what basis.

(3) Statement of the number of passengers, if possible, carried between New York and Kings highway, and also between Kings highway and Brighton Beach or points beyond.

(4) Statement of running time between Culver depot, Kings highway, Franklin avenue, Sands street, and New York, as well as trains running to and from Fulton Ferry for the full twenty-four hours of weekdays and Sundays.

(5) Schedule of headway of trains and number of cars going to make up trains (if not shown in the above) as operated between New York and Kings highway; also between New York and Brighton Beach.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

MONDAY, JANUARY 6, 1908,
AT TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

There were present—Commissioner Edward M. Bassett, Acting Chairman; Commissioners William McCarroll, Milo R. Maltbie, John E. Eustis, Secretary Travis H. Whitney.

(1)

On motion, duly seconded and carried, Commissioner Bassett was elected Temporary Chairman.

(2)

2605

The Secretary submitted the following statement as to fees received and transmitted to the Comptroller of The City of New York for the benefit of the City treasury, as prescribed by the Public Service Commissions Law, during the six months ending December 31, 1907:

Received from officers of the Rapid Transit Commission, being amounts collected by them prior to July 1, 1907, for the sale of contracts, etc...	\$368 05
Net fees received from State Inspector of Gas Meters.....	15 15
For copies of papers and records of the Commission.....	128 14
Fees collected for tests of gas meters, from complainants and from gas companies	479 75
Total.....	<u>\$991 09</u>

(3)

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service list:

2853

Elsie Isaacs, Stenographer; salary, \$75 per month; to take effect January 6, 1908.

2932

Mary Fay Lindholm, Assistant Librarian (provisional); salary, \$75 per month; to take effect January 6, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(4)

2601

The Secretary stated that James J. Grace and John M. Taylor had been appointed as Transit Inspectors on December 9, and that he had notified them that they must report for duty immediately, but that they had so far failed to report.

On motion, duly seconded, it was therefore

Resolved, That the appointments of James J. Grace and John M. Taylor be terminated.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(5)

The Secretary stated that Edward F. Dougherty, who was appointed Transit Inspector on December 30, had declined the appointment, under date of January 1.

(6)

O-188

The Secretary presented the following order for adoption by the Commission:

FINAL ORDER (No. 188).

In the Matter
of

The application of the Long Island Railroad Company for permission to change the local freight tariff of rates for storage of carload and less than carload freight applicable at all stations.

Whereas, The present tariff, P. S. C. I, N. Y., No. 25, on file with the Commission, includes rates for storage in cars on public team tracks in addition to the usual car service charges to apply on carload freight placed on public team tracks for delivery to consignee;

Now, upon motion, duly seconded, it is

Resolved, That the Long Island Railroad Company be granted permission to put into effect three days after publication at stations and filing with the Commission, a local freight tariff of rates for storage of carload and less than carload freight applicable at all stations, eliminating the rates above mentioned for storage in cars on public team tracks in addition to the usual car service charges, such new tariff to be published in Tariff P. S. C. I, N. Y., No. 68.

It was moved and duly seconded that the foregoing order be approved and confirmed and ordered filed in the office of the Commission.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(7)

O-189

The Secretary presented the following order for hearing for adoption by the Commission:

HEARING ORDER (No. 189).

Order for Hearing by Commissioner Bassett.

Bird S. Coler, President of the Borough
of Brooklyn,

Complainant;

against

The Nassau Electric Railroad Company,
Defendant.

Upon the complaint herein and answer of the Nassau Electric Railroad Company, under Order No. 118,

Ordered, That upon the matters therein a hearing be had on the 21st day of January, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said Bird S. Coler and the said, the Nassau Electric Railroad Company, be given at least ten days' notice of such hearing by service upon each of them, either personally or by mail, of a certified copy of this order, and that at such hearing they be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Dated New York, January 6, 1908.

E. M. BASSETT, Commissioner.

It was moved and duly seconded that the foregoing order be approved and confirmed and ordered filed in the office of the Commission.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

O-190

The Secretary presented the following order for hearing for adoption by the Commission:

HEARING ORDER (No. 190).

Order for Hearing by Commissioner Bassett.

Bird S. Coler, President of the Borough
of Brooklyn,

Complainant;

against

Brooklyn City Railroad Company, Brook-
lyn Heights Railroad Company and the
Nassau Electric Railroad Company,
Defendants.

Upon the complaint herein and answer of the Brooklyn Heights Railroad Company and the answer of the Nassau Electric Railroad Company, under Order No. 120,

Ordered, That upon the matters therein a hearing be had on the 21st day of January, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at No. 154 Nassau street, Borough of Manhattan, City and State of New York,

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said Bird S. Coler and the said Brooklyn City Railroad Company and the said Brooklyn Heights Railroad Company and the said, the Nassau Electric Railroad Company be given at least ten days' notice of such hearing by service upon each of them, either personally or by mail, of a certified copy of this order, and that at such hearing they be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Dated New York, January 6, 1908.

E. M. BASSETT, Commissioner.

It was moved and duly seconded that the foregoing order be approved and confirmed and ordered filed in the office of the Commission.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(9)

O-191

The Secretary presented the following order for hearing for adoption by the Commission:

HEARING ORDER (No. 191).

Order for Hearing by Commissioner Bassett.

Bird S. Coler, President of the Borough of
Brooklyn,

Complainant,

against

The Nassau Electric Railroad Company
and Brooklyn, Queens County and Sub-
urban Railroad Company,

Defendants.

Upon the complaint herein and answer of the Nassau Electric Railroad Company, under Order No. 117,

Ordered, That upon the matters therein, a hearing be had on the 21st day of January, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at No. 154 Nassau street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Bird S. Coler and the said the Nassau Electric Railroad Company and the said Brooklyn, Queens County and Suburban Railroad Company be given at least ten days' notice of such hearing by service upon each of them, either personally or by mail, of a certified copy of this order, and that at such hearing they be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Dated New York, January 6, 1908.

E. M. BASSETT, Commissioner.

It was moved, and duly seconded, that the foregoing order be approved and confirmed, and ordered filed in the office of the Commission.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(10)

O-192

The Secretary presented the following order for hearing for adoption by the Commission:

HEARING ORDER (No. 192).

Order for Hearing by Commissioner Bassett.

Robert E. Anthony,
Complainant,
against

Coney Island and Brooklyn Railroad Com-
pany,
Defendant.

Upon the complaint herein and answer of the Coney Island and Brooklyn Railroad Company, under Order No. 131,

Ordered, That upon the matters therein a hearing be had on the 20th day of January, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at No. 154 Nassau street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Robert E. Anthony, of No. 353 East Seventeenth street, Borough of Brooklyn, City and State of New York, and said Coney Island and Brooklyn Railroad Company, be given at least ten days' notice of such hearing by service upon each of them, either personally or by mail, of a certified copy of this order, and that at such hearing they be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Dated New York, January 6, 1908.

E. M. BASSETT, Commissioner.

It was moved and duly seconded that the foregoing order be approved and confirmed, and ordered filed in the office of the Commission.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(11)

O-171

The Secretary stated that the following communication had been received from Adrian H. Joline and Douglas Robinson, Receivers of the New York City Railway Company, and, on motion, duly seconded, the matter was referred to Commissioner Maltbie:

NEW YORK CITY RAILWAY COMPANY. }
 NEW YORK, January 4, 1908. }

To the Honorable the Public Service Commission for the First District, No. 154
 Nassau Street, New York City:

DEAR SIRs—We beg to acknowledge receipt of your order, No. 171, dated December 27, 1907, under order for hearing made November 27, 1907, relative to the service on the Eighth avenue line.

We do not concede the correctness of the recitals in said order to the effect that the transportation of persons on the Eighth avenue line has been or is unreasonable, improper or inadequate, or that we do not run cars enough on said line reasonably to accommodate the traffic offered for transportation, or that it will be just, reasonable or proper that said service should be supplemented in the particulars set forth in the order. Your attention is called, for example, to the fact that specification numbered (3), providing for running on Sundays south from One Hundred and Forty-ninth street to Thirteenth street not less than 600 cars increases the service to an extent far in excess of the actual requirements. It is a well known fact to all familiar with street railway management that the volume of traffic varies extremely on Sundays. The difference between rainy and pleasant Sundays as regards the number of passengers carried, is often as great as 75 per cent. Under these circumstances, to order a fixed number of car miles to be operated on that day is, in our judgment, wholly unjustifiable. The proper operation of the road demands a reasonable flexibility in the service, so that the number of cars can be varied to meet its changing requirements. No arbitrary rule can be followed without substantial injustice, either to the public on the one hand, or the management on the other. You will observe by reference to three blue prints submitted to you at your request, and showing the comparison between the seating capacity and the number of passengers riding on the Eighth avenue cars on Sunday, December 15 (which was a stormy day), that these records show that sufficient seating capacity was afforded substantially all day. Notwithstanding this fact, the specification of your order above referred to would require that approximately 3,600 car miles per day should be operated in excess of the car mileage operated on the Sunday in question. On the basis of 18 cents per car mile, this would mean an expenditure of approximately \$34,000 a year. Considering the average number of stormy Sundays it is evident that a substantial sum of money will be practically wasted. In view of the present financial conditions and the difficulties which we are having in an endeavor to properly accommodate the public, with the means at our disposal, it seems to us that such a requirement as the one in question is neither just, reasonable nor proper.

We further call your attention to the fact that we are not advised by your order whether the stated number of trips required by you shall be distributed evenly throughout the various periods specified, or, if not, how such trips are to be distributed. You must, of course, recognize that the requirements of traffic, for example, between

7 a. m. and 10 a. m., demand that many more trips should be run during certain portions of that period than during others. As you have undertaken to specify the exact service that should be provided, it seems to us reasonable and only fair to us that you should be more specific as to the details of your requirements.

Your attention is further called to the fact that the order in question, in connection with your order No. 52, regarding the Fourth and Madison avenue line, and order No. 179, concerning the overhauling of the equipment, will naturally operate to draw a large number of cars from other lines in the system, with a corresponding curtailment in the service thereby afforded.

Although, for the reasons above suggested and others unnecessary to specify, we consider your order unreasonable, we are disposed to endeavor to meet your views so far as may be practicable, and you are accordingly advised that on and after January 15 service will be provided on the Eighth avenue line in accordance with the terms of said order No. 171, as follows:

"(1) By running south from One Hundred and Forty-ninth street daily, except Sundays, cars as follows:

Between 7 a. m. and 10 a. m., not less than one hundred and ten (110) cars, to run at least as far south as Thirteenth street.

Between 6.30 p. m. and 8.30 p. m., not less than seventy (70) cars, to run at least as far south as Thirteenth street.

(2) By running north from Thirteenth street, daily, except on Sunday, cars as follows:

Between 4.30 p. m. and 6.30 p. m., not less than one hundred and thirty (130) cars, to run at least as far north as One Hundred and Forty-ninth street.

Between 10 p. m. and 11.30 p. m., not less than fifty (50) cars, to be run at least as far north as One Hundred and Forty-ninth street.

(3) By running on Sundays, south from One Hundred and Forty-ninth street, cars as follows:

Between 10 a. m. and 11.30 p. m., not less than six hundred (600) cars, to run at least as far south as Thirteenth street.

(4) By running not less than six (6) cars in each hour of the night and morning, daily and Sundays, from Thirteenth street north to One Hundred and Forty-ninth street, and from One Hundred and Forty-ninth street south at least to Thirteenth street, the cars to be as evenly distributed as possible in each hour."

Very truly,

(Signed) ADRIAN H. JOLINE,

(Signed) DOUGLAS ROBINSON,

Receivers.

(12)

O-179

The Secretary stated that the following communication had been received from Adrian H. Joline and Douglas Robinson, receivers of the New York City Railway Company, and, on motion, duly seconded, the matter was referred to Commissioner Maltbie:

NEW YORK, January 4, 1908.

*To the Honorable the Public Service Commission for the First District, No. 154
Nassau Street, New York City:*

DEAR SIRs—We beg to acknowledge receipt of your order No. 179, dated December 30, 1907, relative to repairs, improvements and additions to equipment and appliances, including rolling stock, of the New York City Railway Company.

We do not concede the correctness of the recital of fact contained in said order, to the effect that the equipment, appliances and devices in question are unsafe, or improper, or that the repairs directed by said order ought reasonably to be made to promote the security of the public, or that the time given within which to make such repairs is reasonable.

As stated in our letter to you of December 20, we have been engaged since our appointment in pushing as vigorously as possible, with all available means at our command, the work of repair and maintenance of the rolling stock operated by us. Although laboring under great disadvantages, we have made notable progress so that by the early part of December the number of cars disabled on the road had been reduced to less than half the number disabled under similar conditions immediately prior to the receivership. While admitting that, for causes entirely beyond our control, the rolling stock is in many respects inadequate, we take issue with the statement that it has been at any time during the receivership, or is now, unsafe either for the public or our employees. Our entire effort has been directed (and we think successfully) towards giving the best possible service to the public consistent with the physical facilities and money which we have had at our disposal. The equipment has been rehabilitated as rapidly as was possible under the circumstances, having due consideration to the necessities and convenience of the traveling public. We cannot promise or undertake, with the facilities and resources at our command, a full and literal compliance with the provisions of your order. We will, however, so far as means will allow, provide the inspection thereby required, as follows:

"That the cars operated in The City of New York of said New York City Railway Company or of said Receivers, receive a thorough inspection, covering car bodies, motor and electric equipment, wiring and trucks, and that said cars be thoroughly overhauled and repaired so that when completed they and each of them shall be in first class operating and substantially new condition, having safe, proper and adequate car bodies, headlights, pilot fenders, wiring, brasses, controllers, automatic circuit breakers, resistances, axle gear, wheels, armature pinions and car wheels."

We will further use our best endeavors to see that on and after the 15th day of February, 1908, not fewer than ten (10) of said cars are turned out daily, not including Sundays and legal holidays, so overhauled and repaired. Referring again to our letter of December 20, we once more suggest that the sending to the repair shops of ten cars a day for the thorough overhauling specified (which will require several days for each car), if begun at a season of the year when it is not practicable to substitute open cars for those withdrawn, may reasonably be expected to result in a shortage of cars available for service. In that event, however, we shall endeavor so far as practicable to avoid any reduction of service on lines where you have already designated operating schedules.

Yours very truly,

(Signed) ADRIAN H. JOLINE,
(Signed) DOUGLAS ROBINSON,

Receivers.

(13)

O-176

The Secretary stated that a communication had been received from Alfred Skitt, President of the New York City Interborough Railway Company, upon Final Order No. 176, in regard to a complaint of Thomas J. Shine and 128 others, as to a change of route between Kingsbridge road and One Hundred and Fifty-fifth street, notifying the Commission that the terms of the order were accepted and would be obeyed.

On motion, duly seconded, the communication was ordered filed.

(14)

The Secretary presented a communication from Robert H. Fuller, Secretary to the Governor, transmitting a letter addressed to the Governor by a committee of the Central Labor Union of the Boroughs of Brooklyn and Queens, requesting that the Commission take steps to produce betterment in the service and equipment of surface and elevated lines.

On motion, duly seconded, and carried, the Secretary was directed to reply to the communication of the Central Labor Union, setting forth improvements ordered by the Commission along the lines of their suggestions, and to send a copy of this reply to the Governor.

(15)

The Secretary presented a petition submitted in person by William H. Booth, and bearing 193 signatures, asking that the proposed extension of the West Farms branch of the subway from One Hundred and Eightieth street to One Hundred and Eighty-second street, be abandoned, for the reasons that (1) the station at One Hundred and Eightieth street was more convenient to the greater number of people than would be one at One Hundred and Eighty-second street, as One Hundred and Eightieth street was the main crosstown street of the locality, it crossing the Bronx river, and

no other street crossing the river for more than a mile above; that (2) for people desiring to visit that part of Bronx Park east of the Bronx river, the station at One Hundred and Eightieth street was more convenient, because of the bridge on that street, the entrance to the Zoological Gardens at One Hundred and Eighty-second street also being only 500 feet from the present station; and that (3) the extension would damage property on Boston road by cutting off light, air and access to the property and by creating noise and confusion.

On motion, duly seconded, the communication was referred to Commissioner Eustis.

(16)

The Secretary presented a communication from F. C. Leubuscher, President of the Manhattan Single Tax Club, relative to amendments to the Rapid Transit Act, which, on motion, was referred to Commissioner Maltbie.

(17)

Commissioner Bassett stated that at the request of the Ridgewood Heights Improvement Association referred to him for action by the Commission at its meeting on January 3, he had notified that organization that he would give a hearing in the matter on January 16, at 4 p. m.

2898

(18)

The Secretary presented the following communications:

INTERBOROUGH RAPID TRANSIT COMPANY. }
January 6, 1908. }

Public Service Commission, First District, Tribune Building, New York:

GENTLEMEN—At 12.51 a. m. on the ninth (9th) day of January, 1908, the Interborough Rapid Transit Company will be ready to operate that portion of the rapid transit railroad constructed under Principal Contract No. 2, dated July 21, 1902, which lies between the South Ferry station, Manhattan, and the Borough Hall station, Brooklyn. The company, therefore, asks your Commission to formally authorize the operation of this portion of the railroad on that date.

Yours very truly,

E. P. BRYAN, President.

January 6, 1908.

TRAVIS H. WHITNEY, Esq., *Secretary, Public Service Commission for the First District:*

DEAR SIR—I beg to report that the tunnels between South Ferry, Manhattan, and Borough Hall, Brooklyn, are satisfactorily completed, and, as requested by the contractor, may be opened for operation.

Very truly yours,

HENRY B. SEAMAN, Chief Engineer.

Thereupon, on motion, duly seconded, it was

Resolved, That authority be and the same hereby is given to the Interborough Rapid Transit Company to open for operation that portion of the rapid transit railroad now under construction, pursuant to contract dated July 21, 1902, between the South Ferry station, Manhattan, and the Borough Hall station, Brooklyn, to begin passenger traffic on the said portion of said railroad on the 9th day of January, 1908, subject to the payment of rental as provided in said contract; provided, however, that the stations on the said route so opened are to be used solely for railroad purposes and not for the sale of any merchandise or the display of any advertisements.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

WEDNESDAY, JANUARY 8, 1908.

AT TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

There were present—Chairman William R. Willcox, Commissioners Edward M. Bassett, Milo R. Maltbie, Secretary Travis H. Whitney.

(1)

2857

The Secretary presented the following communication from the Counsel to the Commission, which was ordered filed:

January 7, 1908.

Public Service Commission for the First District:

SIRS—I desire to report that yesterday morning Chief Inspector De Wyrall of the Rapid Transit Subway Construction Company was arrested upon the complaint of Commissioner of Public Works Murray, of The Bronx, on the charge of opening the street at One Hundred and Forty-ninth street and Third avenue, without obtaining a permit from the President of the Borough of The Bronx. The contractor was doing this work under a permit issued by the Chief Engineer of the Commission, and the arrest of Mr. DeWyrall raised again the question whether a permit issued by this Commission as the successor of the Rapid Transit Board is sufficient, or whether it is necessary to have in addition thereto a permit issued by a Borough Department.

An examination was held before Magistrate Steinert in the Sixth District Magistrate's Court yesterday afternoon, at which Public Works Commissioner Murray, Mr. Gumbleton, the Secretary to the President of the Borough of The Bronx, and Assistant Corporation Counsel Mitchell attended in support of the complaint, and Mr. Harkness representing the Commission on behalf of the prisoner. After a thorough discussion of the matter the Magistrate decided that under the law the permit issued by this Commission was sufficient, and discharged the prisoner.

Respectfully yours,

(Signed) GEO. S. COLEMAN, Counsel to the Commission.

(2)

2945

The Secretary presented the following communication from the Railroad Commission of Oregon, regarding a proposed amendment to the Federal Act to Regulate Commerce, and the communication was ordered filed:

SALEM, OREGON, December 26, 1907.

New York Public Service Commission, No. 320 Broadway, New York City, N. Y.:

GENTLEMEN—The National Association of Railway Commissioners, at its nineteenth annual session, held in Washington, October 10 to 13, 1907, adopted, with but one dissenting vote, the proposition that the Federal Act to Regulate Commerce should be so amended that no increase in an interstate rate, or discontinuance of a rate, which thereby caused an increase in a rate, should be permitted without an opportunity to protest being afforded, and for a hearing and determination as to reasonableness before the increased rates went into effect.

The Hon. C. W. Fulton, United States Senator from Oregon, has introduced a bill in the Senate which is designed to amend the Interstate Commerce Act to conform with the resolution adopted by the National Association of Railway Commissioners, as above.

We beg to suggest that if the action of the National Association meets with your approval, you urge upon your Representatives and Senators in Congress that steps be taken to insure the amendment of the Interstate Commerce Act, as suggested by the National Association. Will you kindly give this your early, earnest and thoughtful attention? Let us know your views upon this important subject.

With best wishes for your success in our common work, we are

Very truly yours,

THOS. K. CAMPBELL,
OSWALD WEST,
CLYDE B. AITCHISON.

(3)

On motion, duly seconded, it was

Resolved, That the following appointments be made from the certified Civil Service list:

Name.	Position.	Salary.	To Take Effect.
Philip J. O'Connor.....	Transit Inspector.....	\$1,200 00	January 13, 1908
John C. Dieckert.....	Transit Inspector.....	1,200 00	January 7, 1908
Walter T. Edgerton.....	Transit Inspector.....	1,200 00	January 13, 1908
Michael J. Corcoran.....	Transit Inspector.....	1,200 00	January 13, 1908
Robert M. A. Armstrong.....	Transit Inspector.....	1,200 00	January 7, 1908

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

(4)

1258

The Secretary presented the following communication from the Counsel to the Commission:

January 7, 1908.

Public Service Commission for the First District:

SIRS—Referring to the modification of the route and general plan of the Manhattan-Bronx subway to provide for additional tracks in the subway between Ninety-sixth and One Hundred and Third streets, I desire to advise you that this Department has obtained the consents to such modification of the owners of more than one-half in value of the property bounded upon the portion of Broadway affected thereby. According to the certificate of the Title Insurance Company of New York, the total assessed value of property upon the portion of Broadway affected by the modification amounted to \$4,802,000, of which we have obtained the consents of owners of property the assessed valuation of which amounts to \$2,541,000. As soon as these consents are recorded all the necessary proceedings to validate this modification will have been completed, and I accordingly ask that the Commission authorize me to record these consents.

The contract for doing this work was executed by the Rapid Transit Board on 27th June last, and was thereafter transmitted to the Board of Estimate and Apportionment for its approval, and also that of the Mayor, which was given, and eight hundred and fifty thousand dollars appropriated to cover the cost of the work. The contract was then sent to the contractor for execution on his part, and I am now endeavoring to hurry the execution and return of this contract, and on its receipt properly executed the work can be commenced.

Respectfully yours,

(Signed) GEO. S. COLEMAN, Counsel to the Commission.

On motion, duly seconded, it was thereupon

Resolved, That the Counsel to the Commission be authorized to have recorded the consents of property owners to the construction of additional tracks between Ninety-sixth and One Hundred and Third streets along Broadway.

Ayes—Commissioners Willcox, Bassett, Maltbie. •

Nays—None.

Carried.

(5)

2092

The Secretary presented the following communication from the Counsel to the Commission:

January 7, 1908.

Public Service Commission for the First District:

SIRS—I desire to call the attention of the Commission to the fact that the portion of the revised Manhattan Bridge route adopted by the Rapid Transit Board on April 18.

1907 (Minutes, page 4851), lying in the Borough of Manhattan, has never been consented to by a majority in value of the abutting property owners, or in lieu thereof by the Appellate Division of the Supreme Court in the First Department.

On the Brooklyn side consents of property owners stated to be in excess of the required amount were found in the files of the Rapid Transit Board and are now being examined by the Title Guarantee and Trust Company. I understand that they have been found correct, and that a certificate to such an effect will be received from the title company within a few days. As the portion of this route running from the Manhattan Bridge approach at Canal and Chrystie streets and extending through Canal street to a point between Broadway and Elm street is to be used as a part of the Canal street route included in the Rapid Transit system heretofore adopted by the Commission, I deem it advisable that steps be at once taken to perfect the right to construct the railroad on this part of the Manhattan Bridge route.

I accordingly request that I be authorized to obtain the necessary list of property owners from one of the title companies, and that a sufficient force of Transit Inspectors be assigned to canvass for these consents,

Respectfully yours,

(Signed) GEO. S. COLEMAN, Counsel to the Commission.

On motion, duly seconded, it was thereupon

Resolved, That the Counsel to the Commission be authorized to obtain a list of property owners on that portion of the revised Manhattan Bridge route, as set forth in his communication of January 7, and that he endeavor to obtain the consent of such property owners to the construction of the said route.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

(6)

2759

The Secretary presented a communication from the Secretary of the Public Service Commission for the Second District, requesting that the date of the hearing on the subject of vestibules in Westchester County be changed from the 17th inst. to the 16th inst., at the same hour and place as scheduled.

On motion, duly seconded, the Secretary was directed to write to the Public Service Commission for the Second District, accepting this change of date.

(7)

O-164

The Secretary stated that a communication had been received from the Union Railway Company of New York City, upon Order No. 164 of Commissioner Eustis, with regard to transfers on Tremont and Burnside avenues, notifying the Commission that the terms of the order were accepted and would be obeyed.

On motion, duly seconded, the matter was ordered filed.

(8)

2970

The Secretary presented a communication from the Stuyvesant Board of Trade, requesting an interview with a Commissioner in reference to railroad matters affecting their district.

On motion, duly seconded, the matter was referred to Commissioner McCarroll.

(9)

O-181

The Secretary presented communications from the President and the Secretary of the Long Island Railroad Company, upon Final Order No. 181, with regard to local service between East New York and Long Island City, requesting that a rehearing be given, and that the Commission stay Final Order No. 181.

O-193

The following order was then presented, and it was moved, and duly seconded, that it be adopted by the Commission:

ORDER FOR REHEARING AND FOR AN EXTENSION OF TIME (No. 193).

In the Matter
of

The hearing on the motion of the Commission as to the regulations, practices, equipment and service of the Long Island Railroad Company in the respects herein-after mentioned. Matter of rehearing on matters contained in Order No. 181.

An order having been made and filed on the 31st day of December, 1907, No. 181, under and pursuant to an order for hearing made November 20, 1907, No. 100, said Order No. 181 having thereafter been duly served upon the Long Island Railroad Company, the same to take effect immediately, and the said Long Island Railroad Company having been required by said order to notify this Commission upon or before the 6th day of January, 1908, whether the terms of said Order No. 181 are accepted and will be obeyed, and the said Long Island Railroad Company having, on the 6th day of January, 1908, applied in writing to this Commission for a rehearing in respect to the matters contained in the said Order No. 181, and sufficient reason for said rehearing being made to appear,

Ordered, That said request for rehearing be granted and that said rehearing upon the matters contained in said Order No. 181, entered and filed on the 31st day of December, 1907, be held on the 21st day of January, 1908, at 3.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to determine whether said Order No. 181 or any part thereof is in any respect unjust or unwarranted.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Long Island Railroad Company be given at least ten (10) days' notice of such rehearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company shall be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Further Ordered, That the time of the said Long Island Railroad Company to comply with the terms of said Order No. 181 be and the same hereby is extended until such time as the Commission shall enter an order upon the rehearing herein provided for.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

(10)

The Chairman stated that on recommendation of the Committee of the Whole, the following letters had been sent to the Receivers of the New York City Railway Company:

January 8, 1908.

MR. ADRIAN H. JOLINE and MR. DOUGLAS ROBINSON, *Receivers for the New York City Railway Company*, No. 621 Broadway, New York City:

DEAR SIRS—On behalf of the Public Service Commission, I beg to acknowledge your letter of January 4, relative to Order No. 179.

The order was based upon the evidence before the Commission. A hearing was held, of which you received notice. No one appeared in your behalf, and no evidence was presented by you. If you had any evidence to show that the proposed order was not proper, it was your privilege and duty to appear and submit it.

Mr. McLimont, the Electrical Engineer of the Commission, who has not only constructed street railways in many cities, but who has also operated railways, testified at the hearing that it would be possible for you to repair at least ten cars each day, and that a larger number could be overhauled and repaired if every effort were made to do so. This he testified to after having made a thorough inspection of your facilities for overhauling and repairing, and he has since offered to show in detail how it could be done with dispatch.

As to your statement in this letter and in your letter regarding the Eighth avenue line, that Order No. 179 will require a considerable number of cars to be taken out of service, I beg to say that Mr. McLimont testified at the hearing that to turn out ten cars a day it would not be necessary, under ordinary circumstances, to keep out of service more than forty cars per day, only 2 per cent. of the entire number now being operated. It is also true that this decrease in the number of cars available would soon be largely offset by the decreased number of "run-ins" and of the "dead" cars upon the line. Further, you have under contract for delivery prior to February 15 a very much larger number of cars than the number that must be taken off daily for

repairs, so that in no instance will the present service need to be decreased. Again, not every car is in use all of the twenty-four hours, and by distributing the work of repair so that a large portion of it is done during the hours when the number of cars in the barn is large, the interference with the present service may be reduced to an inappreciable degree.

It is very gratifying to the Commission to learn that the work of repair is already under way, and that the number of disabled cars has already been so materially reduced under your management.

Yours very truly,
(Signed) WM. R. WILLCOX, Chairman.

January 8, 1908.

Mr. ADRIAN H. JOLINE and Mr. DOUGLAS ROBINSON, *Receivers for the New York City Railway Company*, No. 621 Broadway, New York City:

DEAR SIRs—On behalf of the Public Service Commission, I beg to acknowledge your letter of January 4, in which you question the accuracy of certain conclusions and the necessity of certain improvements in the service of the Eighth avenue line, in Order No. 171.

The conclusions and the improvements ordered were based upon the evidence before the Commission. A hearing was held upon the proposed order before it was issued. Notice was served upon you and acknowledgment given of this hearing, but no one appeared in your behalf. If you have any evidence you wish to present, a rehearing will be granted upon application.

The Commission fully appreciates that a fixed schedule may not be suited to all conditions. Instances may arise where a fixed number of cars may provide too few or too many seats for the traveling public. But in its orders for improved service this Commission must provide for ordinary conditions, leaving to the company the duty and the power to provide such a service as will be adequate for unusual and unforeseen circumstances. Thus, while it may be true that the Sunday schedule fixed in Order No. 171 calls for a greater number of cars than would be necessary upon a stormy day, it is not believed, upon the evidence presented at the hearing, that the schedule is unreasonable in view of the traffic upon an ordinary Sunday.

You have requested that the Commission specify in detail how cars should be operated between 7 a. m. and 10 a. m. upon week days. This request seems to reflect a misunderstanding of the letter and intent of the Public Service Commissions Law. The statute specifically requires that a street railway company shall provide adequate service, thereby imposing the duty upon the company in the first instance of arranging proper schedules, routes, headways, equipment, etc. The act also provides that in case a company shall fail to live up to its obligation, the Public Service Commission may step in, and after a hearing may direct what improvements shall be made. It is not the duty of this Commission at this point, therefore, to say how the increased number of

cars required to be run between 7 and 10 a. m. shall be distributed; that was the duty of the company and devolves upon you, as the receivers. Further, the details were not specified in the order because it was thought that as much freedom should be allowed the operating officials as possible. If, however, this Commission shall find, through its inspectors, that the service is inadequate or that the schedule is not properly designed to accommodate the traveling public, this Commission will exercise the authority vested in it, will perform the duty imposed upon it, will order what changes be made, and if necessary, will decide just what schedule shall be operated. The Commission believes, however, that it is quite possible for the service upon the Eighth avenue line to be improved, and that a desire upon your part to live up to the spirit as well as to the letter of the order will make unnecessary the issue of a further order going more into detail as to the operation of the road.

Perhaps this discussion is more or less academic, for in your letter you definitely state that you will accept the order, but lest there should be any misunderstanding, I am replying somewhat at length, at the request of the Commission.

Yours very truly,

WM. R. WILLCOX, Chairman.

(11)

On motion, duly seconded, it was

Resolved, That stated meetings of the Commission be held hereafter on Tuesdays and Fridays of each week, at 11.30 a. m.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

(12)

A report was received from the Bureau of Transit Inspection, as to the service being rendered on Madison and Fourth avenues, which, on motion, duly seconded, was referred to the Counsel to the Commission.

(13)

2090

The Chairman stated that, with the approval of the Committee of the Whole, he had sent the following communication to the Board of Estimate and Apportionment:

January 8, 1908.

To the Board of Estimate and Apportionment of The City of New York:

GENTLEMEN—During the preparation of the contracts and the contract drawings for the Fourth avenue subway in Brooklyn, the Public Service Commission has considered it advisable to make certain modifications, so as to reduce the grades and to increase the headroom. The object of these changes, which have been recommended by Chief Engineer Seaman, is to promote the more rapid, safe and economical

operation of trains and to make it possible for cars now being used in the local suburban traffic of steam railroads to be operated through the subway. By so doing this would also facilitate the making of more advantageous contracts by the City for the subsequent rental and operation of the road. In the opinion of the Commission it would be a great mistake to build any future subway of such dimensions that an existing railroad might be debarred from being a competitive bidder or through which it would be impossible to run railroad cars, no matter how desirable and necessary it might prove to generations hence.

The trains run through the Fourth avenue subway will continue over the Manhattan Bridge and be run through the subway loop now under construction in Canal and Centre streets. If the Fourth avenue subway is enlarged, it would be advisable to enlarge the subway loop, otherwise the larger cars used by steam roads could only run as far as the Manhattan terminal of the Manhattan Bridge; the subway loop only allowing for a headroom of 13 feet 6 inches above top of rail, whereas 14 feet 6 inches are necessary for the cars used in suburban traffic.

The subway loop, connecting, as it does, the Williamsburg Bridge with the other two bridges, is so planned that the cars from any future subway extending into Brooklyn or Queens from the Brooklyn terminus of the Williamsburg Bridge, can be run through the subway loop. If the present headroom of 13 feet 6 inches is not enlarged, it will not be possible to allow for any railroad connection with such future subways, and will make it impossible for any of the present railroads in Queens to reach Manhattan via the Williamsburg Bridge and subway loop.

The plans for the loop also provided for a double deck subway in part and for the use of grades frequently as high as 4 per cent., and in some instances as high as $5\frac{1}{2}$ per cent. The steepness of these grades and the frequency with which they follow one another in the loop, will not only greatly increase the cost of operation but limit materially the number of trains that can be run through the subway in a given period and increase the possibility of accidents.

Our Chief Engineer, Mr. Seaman, after careful study of the problem, had found that it is possible to modify the plans for the subway loop so as to increase the height of the tunnel, to modify the grades, to decrease their number, and to do away with the double deck stations and tracks. To make these changes it will be necessary to change two of the stations, and in order to make proper connection with the crosstown line in Canal street, it is proposed to unite the two stations at Leonard-Franklin street and at Howard-Grand street, into one station at Canal street. It is also proposed to operate the loop as two double-track railroads, instead of one four-track road, but with cross-overs to be used in case of accident, or when needed for the shunting of trains. Eventually this might lead to the connection of the Williamsburg Bridge with the Brooklyn Bridge, which would naturally serve the purposes of the elevated roads in Brooklyn which connect with these two bridges. The other set of tracks would be operated in connection with the Manhattan Bridge, through the proposed terminal at Chambers

street, and thence down William or Nassau, crossing the East river by a tunnel, and connecting with some future subway in Brooklyn. This loop would naturally serve the Fourth avenue subway, and could be operated there in conjunction with or entirely independent of the loop previously described.

This modification simplifies a very complicated plan; eliminates two double-deck stations, making all tracks on a level; would work in conjunction with a proposed future line across Canal street to the North river, and thereby connect with all north-bound and southbound routes which would intercept it, with the Fourth avenue subway and the Manhattan Bridge, and would increase very materially the safety of operation. It is estimated that the operating capacity would be increased fully 25 per cent., in addition to the proposed tunnel connections, and also that the time of construction would be materially decreased.

Cost of the work as revised would be somewhat greater or somewhat less than the plans previously adopted, according to whether pipe galleries are or are not provided for.

Inasmuch as these changes involve the use of money already appropriated by your Board, we shall, as soon as they are completed, lay the revised plans and estimates before you, and in the meanwhile present for your consideration these facts as outlined.

Very truly yours,

WM. R. WILLCOX, Chairman.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, JANUARY 10, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

There were present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for January 3, 4, and 6, 1908, as printed in the CITY RECORD of January 10, 1908, was approved.

(2)

The Secretary presented the following notices from the Department of Finance, which were ordered on file:

1561

January 6, 1908.

DEAR SIR—At a meeting of the Board of Estimate and Apportionment, held December 20, 1907, the Comptroller was authorized to issue Special Revenue Bonds to the amount of \$200,000, which was approved by the Mayor, , 190 .

I beg to advise you that in accordance with the above authorization, an account has been established upon our records from which all vouchers properly chargeable against this authorization should be drawn, entitled Revenue Bond Fund—for Public Service Commission for the First District, New York, Expenses of.

Respectfully,

N. TAYLOR PHILLIPS, Deputy Comptroller.

2063

January 6, 1908.

DEAR SIR—At a meeting of the Board of Estimate and Apportionment, held December 30, 1907, the Comptroller was authorized to issue Corporate Stock to the amount of \$40,000, which was approved by the Mayor, , 190 .

I beg to advise you that in accordance with the above authorization, an account has been established upon our records from which all vouchers properly chargeable against this authorization should be drawn, entitled Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan (sub-title No. 4).

Respectfully,

N. TAYLOR PHILLIPS, Deputy Comptroller.

(3)

O-200

ORDER (No. 200).

On motion, duly seconded and carried, the Secretary was directed to request the Forty-second Street, Manhattanville and St. Nicholas Avenue Railroad Company to furnish the Commission certified copies of their conductors' day cards, covering the complete movement of the cars on their line on Monday, January 6, 1908.

(4)

O-174

The Secretary presented the following communication from George H. Campbell, Vice-President of the Staten Island Railway Company:

January 6, 1908.

To the Public Service Commission, First District:

The Staten Island Railway Company hereby applies for a rehearing by this Commission of the matters determined in a certain order bearing the number 174 directed toward the company, and further requests that copies of all written reports of Engineers, Inspectors and employees of this Commission, on which this Commission acted or depended in making said order, be served upon the company at least three days before such rehearing.

THE STATEN ISLAND RAILWAY COMPANY,

By GEORGE H. CAMPBELL, Vice-President.

Commissioner McCarroll then moved that the following order for rehearing be adopted by the Commission, which was duly seconded:

O-194

ORDER FOR REHEARING (No. 194).

In the Matter
of

The hearing on the motion of the Commission on the question of improvements in and additions to the service and equipment of the Staten Island Railway Company.

Matter of rehearing on matters contained in Order No. 174, entered December 27, 1907.

An order having been made and filed herein December 27, 1907, No. 174, under and pursuant to an order for hearing made November 8, 1907, No. 77, and thereafter having been duly served upon the Staten Island Railway Company, the same to take effect immediately and in and by the said order the said Staten Island Railway Com-

pany having been required to notify this Commission before January 10, 1908, whether the terms of said Order No. 174 are accepted and will be obeyed, and the said Staten Island Railway Company having, on January 6, 1908, applied in writing to this Commission for a rehearing in respect to the matters contained in the said Order No. 174, and sufficient reason for said rehearing being made to appear:

Ordered, That said request for rehearing be granted and that said rehearing upon the matters contained in said Order No. 174, entered and filed on December 27, 1907, be held on the 20th day of January, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to determine after such rehearing and after consideration of the facts including those arising since the making of the Order No. 174, whether the original Order No. 174, or any part thereof, is in any respect unjust or unwarranted, and whether the said Order No. 174 should be abrogated, changed or modified.

And if any such abrogation, changes or modifications are found to be such as ought to be made then to determine the nature and extent of changes or modifications of the said order, and to determine the time of taking effect of the order as changed or modified.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said Staten Island Railway Company be given at least five days' notice of such rehearing by service upon it either personally or by mail, of a certified copy of this order and that at such hearing said company shall be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(5)

O-175

The Secretary presented the following communication from George H. Campbell, Vice-President of the Staten Island Rapid Transit Railway Company:

January 6, 1908.

To the Public Service Commission, First District:

The Staten Island Rapid Transit Railway Company hereby applies for a rehearing by this Commission of the matters determined in a certain order bearing the number 175, directed toward the company, and further requests that copies of all written reports of engineers, inspectors and employees of this Commission on which this Commission acted or depended in making said order be served upon the company at least three days before such rehearing.

THE STATEN ISLAND RAPID TRANSIT RAILWAY COMPANY,

By GEO. H. CAMPBELL, Vice-President.

New York City, January, 1908.

Commissioner McCarroll then moved that the following order for rehearing be adopted by the Commission, which was duly seconded:

ORDER FOR REHEARING (No. 195).

In the Matter

of

The hearing on the motion of the Commission on the question of improvements in and additions to the service and equipment of the Staten Island Rapid Transit Railway Company.

Matter of rehearing on matters contained in Order No. 175, entered December 27, 1907.

An order having been made and filed herein December 27, 1907, No. 175, under and pursuant to an order for hearing made November 8, 1907, No. 78, and thereafter having been duly served upon the Staten Island Rapid Transit Railway Company, the same to take effect immediately and in and by the said order the said Staten Island Rapid Transit Railway Company having been required to notify this Commission before January 10, 1907, whether the terms of said Order No. 175 are accepted and will be obeyed, and the said Staten Island Rapid Transit Railway Company having, on January 6, 1908, applied in writing to this Commission for a rehearing in respect to the matters contained in the said Order No. 175, and sufficient reason for said rehearing being made to appear,

Ordered, That said request for rehearing be granted and that said rehearing upon the matters contained in said Order No. 175, entered and filed on December 27, 1907, be held on the 16th day of January, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to determine after such rehearing and after consideration of the facts including those arising since the making of the Order No. 175, whether the original Order No. 175, or any part thereof, is in any respect unjust or unwarranted, and whether the said Order No. 175 should be abrogated, changed or modified.

And if any such abrogation, changes or modifications are found to be such as ought to be made then to determine the nature and extent of changes or modifications of the said order, and to determine the time of taking effect of the order as changed or modified.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said Staten Island Rapid Transit Railway Company be given at least five days' notice of such rehearing by service upon it either personally or by mail, of a certified copy of this order and that at such hearing said company shall

be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(6)

2095

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer approving same:

BRADLEY CONTRACTING COMPANY,
OFFICE OF THE CONTRACTOR,
SIXTY-EIGHTH STREET AND NORTH RIVER.
NEW YORK, December 3, 1907.

Requisition No. 5—For work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, to 30th day of November:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$45,107 75	\$144,616 75
Amount previously estimated.....	.....	99,509 00
Amount of present estimate.....	\$45,107 75	\$45,107 75
Deduct 10 per cent.....	4,510 78	4,510 78
	\$40,596 97	\$40,596 97

Requisition for amount due for work done and materials furnished during the month.

BRADLEY CONTRACTING COMPANY,
By FRANK BRADLEY, President, Contractor.

Certificate No. 5.

I hereby certify that the work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, for which Requisition No. 5, of date December 3, 1907, is made by the Bradley Contracting Company, the Contractor, has been done and furnished in accordance with the terms of the contract to the value of forty thousand five hundred and ninety-six dollars and ninety-seven cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,
Chief Engineer of the Public Service
Commission for the First District.

The following resolution was thereupon moved, and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 5, and dated December 3, 1907, for work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, to the 30th day of November, 1907, amounting to forty thousand five hundred and ninety-six dollars and ninety-seven cents (\$40,596.97), and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials;

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(7)

2095

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer approving same:

BRADLEY CONTRACTING COMPANY,
OFFICE OF THE CONTRACTOR,
SIXTY-EIGHTH STREET AND NORTH RIVER. }
NEW YORK, December 3, 1907.

Requisition No. 1—For work done and materials furnished under contract dated June 27, 1907, for the construction of pipe galleries on Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, to 30th day of November:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$4,166 50	\$4,166 50
Amount previously estimated.....	.....	.....
Amount of present estimate.....	\$4,166 50	\$4,166 50
Deduct 10 per cent.....	416 65	416 65
	\$3,749 85	\$3,749 85

Requisition for amount due for work done and materials furnished during the month.

BRADLEY CONTRACTING COMPANY,
By FRANK BRADLEY, President, Contractor.

Certificate No. 1.

I hereby certify that the work done and materials furnished under contract dated June 27, 1907, for the construction of pipe galleries on Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, for which Requisition No. 1, of date December 3, 1907, is made by the Bradley Contracting Company, the Contractor, has been done and furnished in accordance with the terms of the contract to the value of three thousand seven hundred and forty-nine dollars and eighty-five cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,

Chief Engineer of the Public Service

Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 1, and dated December 3, 1907, for work done and materials furnished under contract dated June 27, 1907, for the construction of pipe galleries on section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, to the 30th day of November, 1907, amounting to three thousand seven hundred and forty-nine dollars and eighty-five cents (\$3,749.85); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials;

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

2966

The Secretary presented a communication from the Property Owners' Association of the Twenty-third Ward, Borough of The Bronx, transmitting resolutions to the effect that as the Commission had approved and decided upon a line up Lexington avenue, with branches up Mott avenue and Jerome avenue, the most sparsely populated parts of the borough, and up Southern boulevard, the Association would oppose such system of subways, unless the formerly approved route up Park or Morris avenue be included; that the Association asked fair treatment for the populated sections, with the construction of the routes through those parts as laid out by the former Rapid

Transit Commission, and approved by the Supreme Court; and that contracts for such routes should be awarded without delay. The communication was ordered filed.

(9)

The Secretary presented a communication from E. C. Bridgman, calling attention to the unlighted condition at night of the Clifton station on Staten Island.

On motion, the communication was referred to Commissioner McCarroll.

(10)

The Secretary presented the following report as to totals of accidents for the month of December:

Car collisions	216
Collisions with vehicles.....	.....
Persons struck by cars.....	947
Boarding	438
Alighting	435
Employees	303
Other accidents	1,594

Total	3,993
-------------	-------

Serious—

Killed	51
Fractured skulls	14
Amputated limbs	5
Broken limbs	36
Other serious	94

Total	200
-------------	-----

(11)

O-196

Commissioner Bassett moved that the following final order be adopted by the Commission, which was duly seconded:

FINAL ORDER (No. 196).

In the Matter
of

The hearing on the motion of the Commission on the question of the adequacy of the service of the Brooklyn Heights Railroad Company and the Brooklyn Union Elevated Railroad Company in respect to the present service on the Jamaica avenue line of the said Brooklyn Heights Railroad Company and on the Lexington avenue line of the said Brooklyn Union Elevated Railroad Company.

Under order for hearing, made October 11, 1907.

An order having been made and filed herein November 18, 1907, being order No. 99, under and pursuant to an order for hearing made October 11, 1907, No. 38,

and said order No. 99 having been duly served upon Brooklyn Heights Railroad Company and Brooklyn Union Elevated Railroad Company, and said Brooklyn Union Elevated Railroad Company having accepted said order No. 99 in part, but having applied in writing to this Commission for a modification of paragraph numbered (3) of said order No. 99, and an order having been made and filed the 20th day of December, 1907, order No. 165, modifying said paragraph (3) of said order No. 99, and said order No. 165 having been duly served upon said Brooklyn Union Elevated Railroad Company, and said company having made application in writing for a further modification of said paragraph numbered (3) of said order No. 99, and due deliberation having been had upon said application and upon all the proceedings herein, and it appearing to the Commission just and proper that said paragraph numbered (3) of said order No. 99 should be further modified in the manner hereinafter set forth,

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the said paragraph numbered (3) of said order No. 99, dated November 18, 1907, as amended by said order No. 165, be and the same hereby is modified so as to read as follows:

(3) That the said company operate its Lexington avenue trains to and from Cypress Hills station, with a headway of not more than seven and one-half ($7\frac{1}{2}$) minutes between said trains, during the period between the morning and the evening rush hours, and operate its trains to Cypress Hills station upon the same headway during the period after the evening rush hours until 12 o'clock midnight; and that during the following periods said company make each of said trains a train of not less than four cars; from the ending of the morning rush hours to and including train leaving Cypress Hills station at 10.24 a. m.; from 2.30 p. m. to the beginning of the evening rush hours; from the end of the evening rush hours to and including the train leaving Cypress Hills station at 7.24 p. m.; further

Ordered, That this order shall take effect immediately; and it is further

Ordered, That this order shall continue in force until the 27th day of November, 1908, but without prejudice to an order for further or additional hearings and action thereon by the Commission in respect to anything herein described, prior to said 27th day of November, 1908; and it is further

Ordered, That before the 15th day of January, 1908, said Brooklyn Union Elevated Railroad Company notify the Public Service Commission for the First District whether the terms of this order and the terms of order No. 99, dated November 18, 1907, as herein modified and amended, are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(12)

O-197

Commissioner Bassett moved that the following Order for Rehearing be adopted by the Commission, which was duly seconded:

ORDER FOR REHEARING (No. 197).

South Brooklyn Board of Trade,
Complainant,
against
Coney Island and Brooklyn Railroad Com-
pany,
Defendant.

Matter of rehearing on matters contained
in Order No. 164, entered December 20,
1907.

An order having been made and filed herein December 20, 1907, No. 164, under and pursuant to an order for hearing made November 20, 1907, No. 104, and said Order No. 164 having been duly served upon the Coney Island and Brooklyn Railroad Company, the same to take effect immediately, and the said Coney Island and Brooklyn Railroad Company having, on December 28, 1907, applied in writing to this Commission for a rehearing in respect to some of the matters contained in paragraphs numbered (1), (2) and (3) of said Order No. 164, and said Coney Island and Brooklyn Railroad Company having accepted and undertaken to obey the provisions of said order, except as to the matters upon which such rehearing was requested, and sufficient reason for said rehearing being made to appear;

Ordered, That said request for hearing be granted and that said rehearing upon the matters contained in said paragraphs numbered (1), (2) and (3) of said Order No. 164, entered and filed on December 20, 1907, be held on the 23d day of January, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to determine, after such rehearing and after consideration of the facts, including those arising since the making of Order No. 164, whether the original Order No. 164 is unjust or unwarranted in respect to any of the following requirements, viz.:

- (1) For the maintaining of gear cases half full of gear grease or other lubricant;
- (2) For the immediate replacement of flat wheels;
- (3) For varnishing the interior of all cars;

—and to determine whether said Order No. 164 shall be abrogated, changed or modified in such respects, and if such abrogation, changes or modifications are found to be such as ought to be made, then to determine the nature and extent of changes and modifications of the said order and to determine the time of taking effect of the order as changed or modified.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further ordered, That the said Coney Island and Brooklyn Railroad Company be given at least ten days' notice of such rehearing by service upon it, either personally

or by mail, of a certified copy of this order, and that at such rehearing said company shall be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Further ordered, That pending such rehearing and the entry of an order by this Commission upon such rehearing, the requirements of said Order No. 164 in respect to the matters hereinbefore mentioned, be and the same hereby are stayed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(13)

ORDER (No. 198).

O-198

On motion, duly seconded, it was

Resolved, That the Brooklyn Union Elevated Railroad Company be required to make answers by Saturday, January 11, 1908, at 12 o'clock, to the following questions:

1. Whether the number of trains operated on the Brooklyn Bridge during rush hours on January 9, 1908, was greater or less than usual, and if the maximum was not operated, the reasons therefor.

2. What are the plans of the company as to the number of local trains to be operated on the Brooklyn Bridge during rush hours, until such time as the company will begin the operation of through trains?

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(14)

Commissioner Maltbie—"Mr. Chairman, in November a public hearing was held to receive suggestions as to changes in the existing Rapid Transit Law. This hearing was not largely attended, and since that time several requests have been received from organizations and citizens for an opportunity of presenting further suggestions to the Commission. The present is a peculiarly opportune time to hold a further hearing for the public discussion of the several propositions that have been made for the amendment of the law.

In view of these facts, I move that a public hearing be held on Friday, January 17, at 2 p. m., at which time such organizations and citizens as may wish to appear shall be given an opportunity to discuss the provisions of the Rapid Transit Law, so far as it relates to the construction, equipment and operation of subways, either by the City or by private corporations, and that a memorandum be prepared of the subjects and questions to be discussed at this hearing."

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

SATURDAY, JANUARY 11, 1908,
AT TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

There were present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

ORDER (No. 199).

O-199

On motion, duly seconded, it was

Resolved, That the Interborough Rapid Transit Company be required to make answer to the following questions by Monday, January 13, 1908, at 11 a. m.:

1. At what hour did the company or any of its officers receive orders or directions from the Fire, Police or other City Departments, not to operate trains through the subway at Twentieth street, on Saturday, January 11?

2. What plans were thereupon made to give notice to the public that through service was not to be rendered?

3. At what stations was the public given notice of lack of through service, outside of the stations, or before members of the public had bought tickets or had deposited them in ticket boxes; and at what stations was notice given only on station platforms of the limitation of service?

4. What plans were made for increasing service on the elevated lines in view of the lack of service on the subway?

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(2)

1817

The following application was presented, and, on motion, referred to the Counsel to the Commission:

January 11, 1908.

Public Service Commission, First District, No. 154 Nassau Street, New York City:

GENTLEMEN—On behalf of the Brooklyn Union Elevated Railroad Company, application is hereby made to your Honorable Commission for authority to abandon two elevated stations of the Fulton street line, to wit:

Court street station, at the junction of Court and Fulton streets, and Boerum place station, at junction of Boerum place and Fulton street, such abandonment to depend on procurement from the City authorities of the right to construct a station about midway between the two above named, which will, both as to capacity and location, much better serve the requirements of traffic at that point and especially facilitate the transfer of passengers between elevated and subway lines at the City Hall station.

Application is now being made to the City authorities for a permit to establish this station, as shown on blue print herewith accompanying this application.

Yours truly,

E. W. WINTERS.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

MONDAY, JANUARY 13, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

3023

The Chief Engineer, Henry B. Seaman, made the following report:

January 13, 1908.

PARKER BUILDING FIRE.

The Honorable WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—I beg to report that on Sunday, January 12, I was requested by Mr. George H. Pegram, Chief Engineer of the Interborough Rapid Transit Company, to make an inspection of the Parker Building, at Nineteenth street and Fourth avenue, Manhattan, with a view of ascertaining the probability of the Fourth avenue wall falling upon the subway. On the night of Friday, the 10th inst., this building had burned, and traffic in the subway had been stopped by the Superintendent of Buildings, who feared that the front wall would collapse. Shortly afterwards I was also notified by Secretary Whitney of the existing conditions. I went to New York at once.

An inspection, with Mr. Pegram, showed the Fourth avenue wall to be intact, and the Nineteenth street wall in fair condition except the five upper stories of the fourth and fifth panels of the building as numbered from Fourth avenue. The first three panels and the last five panels from Fourth avenue showed the flooring to be practically intact. The wall on the south side of the building appeared in good condition, and although two cracks were reported they were not serious.

This building is reported by the architect to be of skeleton iron construction, with cast-iron columns. These columns are less liable to injury from fire than either wrought-iron columns or rolled-steel columns would be. The foundation of this building is either upon rock or upon gravel very close to rock, as at this point the subway, when constructed, required a depth of four feet of rock at the bottom to

be removed. In view of the perfect alignment of the Fourth avenue wall, and of its general freedom from the effects of heat, and to the fact that the north and south walls of this building for a distance of three panel lengths are intact, and that the floors in the same panels are still in position, there is no doubt of the absolute safety of this wall.

By invitation I met in conference, at the Engineers' Club, Messrs. Hedley, Parsons, Pegram, Gardner and others of the Interborough Rapid Transit Company. I there expressed my opinion of the safety of the wall, which opinion was concurred in by both Engineers Parsons and Pegram.

Mr. Hedley then made every endeavor to obtain permission from the Police Department and from the Building Department to resume traffic in the subway, and a conference was arranged for 3.30 p. m. at the office of Mr. Edward S. Murphy, Superintendent of Buildings. At that conference the opinions as to the safety of the wall were given to Mr. Murphy, and finally, after reducing these opinions to writing, and a promise by the Interborough Rapid Transit Company to place a crib over the subway in front of the building, permission was granted to run trains, and operation was resumed at 5 a. m. this morning. A copy of my letter to Mr. Murphy I herewith enclose.

The crib now across Fourth avenue, however, has stopped traffic in front of the building, and in consequence the running of the Fourth avenue cars has been suspended.

Very truly yours,

HENRY B. SEAMAN, Chief Engineer.

NEW YORK, January 12, 1908.

MR. EDWARD S. MURPHY, *Superintendent of Buildings, Bureau of Buildings, No. 220 Fourth Avenue, New York City:*

DEAR SIR—I have this afternoon examined the walls of the building on the southeast corner of Fourth avenue and Nineteenth street, where the fire occurred on Friday night last. I shall report to the Public Service Commission of the First District, at their meeting to-morrow morning, that in my opinion the subway trains may be operated with safety through the subway on Fourth avenue.

Yours very truly,

(Signed) HENRY B. SEAMAN,

Chief Engineer, Public Service Commission for the First District.

(2)

O-201

Commissioner McCarroll moved the following resolution, prepared by the Counsel to the Commission, which was duly seconded:

HEARING ORDER (No. 201).

Resolved, That the application of the Brooklyn Union Elevated Railroad Company for authority to discontinue two elevated stations on the Fulton street line, to wit, Court

street station, at the junction of Court and Fulton streets, and Boerum place station, at the junction of Boerum place and Fulton street, bearing date January 11, 1908, be heard by and before the Public Service Commission for the First District on the 16th day of January, 1908, at three o'clock in the afternoon, and that the said company publish a notice of the time and place of such hearing in the following newspapers, published in Brooklyn, at least two days in succession before said hearing, and file proof of such publication with the Secretary of this Commission on or before the opening of the hearing: "Brooklyn Eagle," "Brooklyn Times," "Brooklyn Standard Union," "Brooklyn Citizen."

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The notice so to be published by the company was as follows:

HEARING BEFORE PUBLIC SERVICE COMMISSION.

Notice is hereby given that the application of the Brooklyn Union Elevated Railroad Company for the consent of the Public Service Commission for the First District to a discontinuance of its stations on Fulton street, Brooklyn, at Court street and at Boerum place, will be heard by the said Commission at its office, No. 154 Nassau street, Borough of Manhattan, New York City, on the 16th day of January, 1908, at three o'clock in the afternoon.

BROOKLYN UNION ELEVATED RAILROAD COMPANY.

Dated Brooklyn, N. Y., January, 1908.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, JANUARY 14, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Commissioner Milo R. Maltbie, Acting Chairman; Commissioners William McCarroll, Edward M. Bassett, John E. Eustis.

(1)

Chairman Willcox was excused because of absence on business of the Commission, and, on motion, duly seconded, Commissioner Maltbie was elected Acting Chairman.

(2)

On motion, the record of the proceedings of the Commission for January 8, 10 and 11, as printed in the CITY RECORD for January 14, was approved.

(3)

2133

The Secretary presented the following communication from the Acting Corporation Counsel with regard to Rapid Transit Subway easements affecting lands on the westerly side of Fourth avenue, between Eighth and Ninth streets, Borough of Manhattan:

January 13, 1908.

In re Rapid Transit Subway easements
affecting lands on the westerly side of
Fourth avenue, between Eighth and
Ninth streets, Borough of Manhattan.

Hon. WILLIAM R. WILLCOX, Chairman of the Public Service Commission, First District:

SIR—Under date of September 24, 1907, I transmitted to you the duplicate report of the Commissioners of Appraisal in the above proceeding, dated April 9, 1907, together with a certified copy of the order of the Supreme Court, dated August 2, 1907, entered August 5, 1907, confirming said report and advising that the awards therein made for Damage Parcels Nos. 1, 2 and 4 should be paid, but that as to the award to John Wanamaker for Damage Parcel No. 3, amounting to \$143,560, an

appeal had been taken by the City and that the Comptroller had been advised not to pay said award until further advice from this office.

The appeal taken by the City as to the award for Damage Parcel No. 3 raised the question of benefits to the remaining lands owned by Mr. Wanamaker by reason of said remaining lands being given a new frontage on Fourth avenue at the corner of Eighth street, and of the right of the City to offset such benefits as against the value of the part of Mr. Wanamaker's land taken in the above proceeding.

The argument of the appeal was by consent of both sides deferred until the presentation of a similar question to the Court of Appeals in the proceeding by The City of New York to acquire lands on the North river, between Eighteenth and Twenty-third streets, in relation to awards made to the Consolidated Gas Company. The Court of Appeals has recently decided in the last-mentioned proceeding adversely to the City's contention that benefits to an owner's remaining lands cannot be offset against the value of the owner's lands actually taken.

In view of this decision of the Court of Appeals there is now no chance of a successful result of the appeal in relation to Damage Parcel No. 3 in the above proceeding.

I have accordingly consented to discontinue the appeal without costs, and on the 8th day of January, 1908, an order discontinuing said appeal was entered in the office of the Clerk of the Appellate Division, First Department.

I have accordingly advised the Comptroller that the award of \$143,560 for damages to Parcel No. 3, made to John Wanamaker, may now be paid.

Respectfully yours,

G. L. STERLING,
Acting Corporation Counsel.

It was moved and duly seconded that the communication be filed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(4)

1265

The Secretary presented the following communication from the Comptroller of The City of New York:

January 10, 1908.

Hon. WILLIAM R. WILLCOX, *Chairman, Public Service Commission*, No. 154 Nassau Street, Manhattan:

SIR—Some time since this office had an offer from Mr. William B. Denison, owner of premises known as Block 3268, Lot 1, and Block 3269, Lot 1, Borough of The Bronx, located on the easterly side of Broadway, beginning at Two Hundred and Thirty-third street and running north about 720 feet. The offer was for the purpose of releasing to the City the easements to operate a rapid transit road along the front of this property,

and was in substance to sell to the City at the price heretofore paid, namely, \$10 per foot front.

Property has been heretofore acquired in this vicinity for the same purpose at the same rate, and I understand that the offer of Mr. Denison has been approved by the Corporation Counsel, as expressed to you in a communication from said office.

In order to close the matter at once, Mr. Denison will now sell the property at \$8 per foot front, provided he receives his money within twenty days from date. I would therefore respectfully request an answer as to whether you will accept this offer, and request the Board of Estimate and Apportionment to appropriate the necessary issue of Corporate Stock to pay for the same.

I will be pleased to present the same to the Board of Estimate and Apportionment for their acceptance at a financial meeting to be held Friday, January 17, 1908.

An early reply will greatly oblige,

Respectfully,

H. A. METZ, Comptroller.

Commissioner Bassett stated that the matter had been presented to the Counsel to the Commission, who approved the acceptance of the offer.

Upon motion, duly seconded, the following was thereupon adopted:

Whereas, William B. Denison, the owner of the premises known as Block 3268, Lot 1, and Block 3269, Lot 1, Borough of The Bronx, located on the easterly side of Broadway, beginning at Two Hundred and Thirty-third street, and running north about 720 feet, has offered to release to the City the easements to operate a rapid transit road along the front of the said property for the sum of \$8 per foot front, it is

Resolved, That the said offer be accepted and that the Board of Estimate and Apportionment be requested to authorize the sale of Corporate Stock sufficient to pay for the said easements.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(5)

1258

A communication from the Counsel to the Commission was presented, stating that the consents to the construction of additional tracks in the subway between Ninety-sixth and One Hundred and Third streets had been recorded. The communication was ordered filed.

(6)

2691

The Secretary presented a communication from the Art Commission of The City of New York, giving notice of a meeting of that body to be held on January 14, in Room 21, City Hall, at 4 o'clock p. m., at which action would be taken on designs for the Brooklyn subway tablets, and stating that the Chairman of this Commission, having jurisdiction over this subject, is, under the Charter, a member of the Art Commission for the consideration of these designs. The communication was ordered filed.

(7)

1265

The Secretary presented the following communication from the Rapid Transit Subway Construction Company, which was ordered filed:

NOTICE OF APPEARANCE.

In the Matter
of

The review of the determination of George S. Rice, as Chief Engineer of the Public Service Commission for the First District, dated November 30, 1907, on the Claims presented for payment under the Contract dated February 21, 1900, between The City of New York, acting by the Board of Rapid Transit Railroad Commissioners for The City of New York, and John B. McDonald.

SIR—You will please take notice that the appellants herein, John B. McDonald and Rapid Transit Subway Construction Company, appoint Alfred A. Gardner as counsel to represent them, and to conduct all proceedings before the Board of Arbitration in the above entitled proceeding; and direct that all papers in this proceeding be served on him at his office, No. 2517 Park Row Building, Nos. 13 to 21 Park Row, Borough of Manhattan, New York City, N. Y.

Dated New York, January 9, 1908.

Yours, etc.,

JOHN B. McDONALD,

[SEAL.] RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY,

By E. P. BRYAN, President.

Attest:

H. W. FISHER, Secretary.

(8)

On motion, duly seconded, it was

Resolved, That the following appointments be terminated:

Name and Position.	To Take Effect.
Mary E. Gaston, Filing Clerk.....	Dec. 7, 1907
Katherine A. Lucas, Filing Clerk (provisional).....	Jan. 11, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(9)

The Secretary presented a communication from Miss Elsie Isaacs, declining appointment as Stenographer. The declination was accepted.

(10)

O-22A

The Secretary presented the following order, and it was moved and duly seconded that the same be adopted by the Commission:

ORDER (No. 22-A).

In the Matter
of
Corporate documents to be furnished by
gas and electrical companies in the First
District.

Resolved, That the following be adopted, and that it be served upon the various gas and electrical companies in this district:

You are hereby required to furnish within thirty days from the date of service of this order, copies of the following documents, relative to each and every company operated or controlled by you, whether by lease or sublease, by stock ownership or by joint agreement. These documents called for may be sworn copies or verified copies of the originals, and if filed in a public office, that fact should be so indicated, with the date of filing:

1. Certificate of incorporation.
2. Supplemental or amended certificates of incorporation.
3. Any act of the Legislature granting, confirming or limiting any right or franchise of the corporation, or affecting the right of the corporation to use or exercise any franchise.
4. Certificates relative to changes in the capital stock.
5. Any consolidation or merger agreement between companies now operating in connection with your plant.
6. Consents of local authorities constituting franchise rights.
7. Certificates from the State or Municipal authorities, including Departments, affecting your franchises.
8. Copies of all mortgages executed by you or by companies in your system.
9. Copy of all leases, deeds, contracts or other documents in the chain of your title.
10. Location of all real estate owned in fee, described by metes and bounds.
11. Location of all real estate leased, described by metes and bounds.
12. Copy of any contracts executed between companies in your system or other companies as to the purchase or sale of gas or electricity.
13. Reference to Court decisions affecting the validity of your franchises.
14. As of July 1, 1907, the location of your plant or plants and system, with a full description of your property and franchises, stating in detail how each franchise stated to be owned* was acquired.
15. A map drawn to a scale of not more than twenty-five hundred feet to the inch, showing all pipes, conduits and other structures constructed or now maintained by you in the public streets.

The foregoing refers in each case to each company in your system, except where otherwise noted.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(11)

O-137A

The Secretary presented the following order, and it was moved and duly seconded that the same be adopted by the Commission:

ORDER (No. 137-A)

In the Matter
of
Information with respect to stockholding
of gas and electrical corporations in the
First District.

Resolved:

First—That every gas corporation, electrical corporation and every stock corporation holding any shares of the capital stock of any gas corporation or electrical corporation, be and they hereby are severally required to file with the Secretary of the Public Service Commission for the First District, at its office, No. 154 Nassau street, Borough of Manhattan, New York City, within fifteen days from the date of service of this order, specific answers, verified by an oath of an officer of each such corporation to the following question which is hereby now addressed to each of them, to wit:

Give the name of every gas corporation or electrical corporation organized or existing under the laws of the State of New York of which, on July 1, 1907, you held any shares of the capital stock; the number of shares of such capital stock then so held by you in each such corporation, and the par value of each such share.

Second—That every gas corporation and electrical corporation organized or existing under or by virtue of the laws of the State of New York be and they hereby are severally required to file with the said Secretary, at said office within said time, specific answers, verified by an oath of an officer of each such corporation, to the following question which is hereby now addressed to each of them, to wit:

Give the name of every stock corporation, gas corporation or electrical corporation, which, on July 1, 1907, held any shares of your capital stock either as legal or as beneficial owner; the number of such shares then held by it, and the par value of each such share.

Dated January 14, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(12)

On motion, duly seconded, it was

Resolved, That a request be made upon the Brooklyn Union Elevated Railroad Company that after the present work on the extension of the Manhattan terminal of the Brooklyn Bridge is completed and before the shuttle train service during rush hours is discontinued, a day or two be given in which to make certain experiments in the present service, in order to record what might be done in case it should ever be necessary to return to the present method of operation.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(13)

O-202

Commissioner Bassett presented the following order for hearing, and it was moved and duly seconded that the same be adopted by the Commission:

ORDER FOR HEARING (No. 202.)

In the Matter
of

The hearing on the motion of the Commission on the question of improvements in and additions to the service and equipment of the Brooklyn Union Elevated Railroad Company, in the particulars hereinbelow mentioned.

It is hereby

Ordered, That a hearing be had on the 27th day of January, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, equipment, appliances and service of the Brooklyn Union Elevated Railroad Company in respect to the transportation of persons in the First District are unjust, unreasonable, improper or inadequate, and whether said company does not run trains enough or cars enough, or with sufficient frequency, or possess or operate motive power enough reasonably to accommodate passenger traffic transported by it or offered for transportation to it on its lines running between Park row, Manhattan, Sands street, Brooklyn, and Fulton Ferry, Brooklyn, and Brighton Beach, Brooklyn, and if such be found to be the fact then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be just, reasonable, proper and adequate to direct that the service of the said Brooklyn Union Elevated Railroad Company be increased and supplemented at the points and times and in the particulars following, that is to say:

(A) AT FRANKLIN AVENUE STATION, NORTH AND WEST BOUND.

(1) Between 7.00 and 7.30 a. m., by an increase of three (3) cars, or by an increase from ten (10) to thirteen (13) cars.

(2) From 7.30 to 8.00 a. m., by an increase of five (5) cars, or by an increase from twenty-three (23) to twenty-eight (28) cars.

(3) From 8.00 to 8.30 a. m., by an increase of twelve (12) cars, or by an increase from thirty (30) to forty-two (42) cars.

(4) From 8.30 to 9.00 a. m., by an increase of twelve (12) cars, or by an increase from sixteen (16) to twenty-eight (28) cars.

(5) From 9.00 to 9.30 a. m., by an increase from four (4) cars, or by an increase from twenty-two (22) to twenty-six (26) cars.

(6) From 9.30 to 10.00 a. m., by an increase of one (1) car, or by an increase from twelve (12) to thirteen (13) cars.

(B) AT FRANKLIN AVENUE STATION, EAST AND SOUTH BOUND.

(1) From 4.30 to 5.00 p. m., by an increase of two (2) cars, or by an increase from thirteen (13) to fifteen (15) cars, in the service from Brooklyn Bridge.

(2) From 5.00 to 5.30 p. m., by an increase of five (5) cars, or by an increase from fifteen (15) to twenty (20) cars, in the service from Brooklyn Bridge.

(3) From 5.30 to 6.00 p. m., by an increase of eighteen (18) cars, or by an increase from twenty-one (21) to thirty-nine (39) cars, in the service from Brooklyn Bridge.

(4) From 5.30 to 6.00 p. m., by an increase of two (2) cars, or by an increase from three (3) to five (5) cars, in the service from Fulton Ferry.

(5) From 6.00 to 6.30 p. m., by an increase of thirteen (13) cars, or by an increase from fifteen (15) to twenty-eight (28) cars, in the service from Brooklyn Bridge.

(6) From 6.00 to 6.30 p. m., by an increase of three (3) cars, or by an increase from eleven (11) to fourteen (14) cars, in the service from Fulton Ferry.

(7) From 6.30 to 7.00 p. m., by an increase of seven (7) cars, or by an increase from eighteen (18) to twenty-five (25) cars, in the service from Brooklyn Bridge.

(8) From 10.00 to 11.00 p. m., by an increase of two (2) cars, or by an increase from seven (7) to nine (9) cars, in the service from Brooklyn Bridge.

(9) From 11.00 to 12.00 p. m., by an increase of one (1) car, or by an increase from eleven (11) to twelve (12) cars, in the service from Brooklyn Bridge.

And to determine further whether such increases should be obtained by adding additional trains rather than by adding cars to trains that appear on the existing schedule.

And further to determine whether the schedule of the trains running from Fulton Ferry should be rearranged so that these trains should immediately precede the Brighton Beach trains, so as to reduce the wait for passengers transferring from Fulton Ferry trains at Kings highway.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said Brooklyn Union Elevated Railroad Company be given at least ten (10) days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(14)

2095

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer, approving the same, also approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY,
SIXTY-EIGHTH STREET AND NORTH RIVER,
NEW YORK, January 1, 1908.

Requisition No. 2—For work done and materials furnished under contract dated June 27, 1907, for the construction of pipe galleries on Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, to 31st day of December:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$1,358 50	\$5,525 00
Amount previously estimated.....		4,166 50
Amount of present estimate.....	\$1,358 50	\$1,358 50
Deduct 10 per cent.....	135 85	135 85
Requisition for amount due for work done and materials furnished during the month.....	\$1,222 65	\$1,222 65

BRADLEY CONTRACTING COMPANY,

By FRANK BRADLEY, President.

Certificate No. 2—I hereby certify that the work done and materials furnished under contract dated June 27, 1907, for the construction of pipe galleries on Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, for which requisition No. 2 of date of January 1, 1908, is made by the Bradley Contracting Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of one thousand two hundred and twenty-two dollars and sixty-five cents. That such value has been ascertained

relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 2, and dated January 1, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of pipe galleries on Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, to the 31st day of December, 1907, amounting to twelve hundred and twenty-two dollars and sixty-five cents (\$1,222.65); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(15)

2091

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer, approving the same, also approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY,
SIXTY-EIGHTH STREET AND NORTH RIVER,
New York, January 1, 1908.

Requisition No. 4—For work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-1 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, to 31st day of December:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$27,567 00	\$103,025 00
Amount previously estimated.....		75,458 00
Amount of present estimate.....	\$27,567 00	\$27,567 00
Deduct 10 per cent.....	2,756 70	2,756 70
Requisition for amount due for work done and materials furnished during the month.....	\$24,810 30	\$24,810 30

BRADLEY CONTRACTING COMPANY,
By FRANK BRADLEY, President.

Certificate No. 4—I hereby certify that the work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-1 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, for which requisition No. 4 of date January 1, 1908, is made by the Bradley Contracting Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of twenty-four thousand eight hundred and ten dollars and thirty cents. That such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 4 and dated January 1, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-1 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to the 31st day of December, 1907, amounting to twenty-four thousand eight hundred and ten dollars and thirty cents (\$24,810.30); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials;

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(16)

2095

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer, approving the same, also approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY,
SIXTY-EIGHTH STREET AND NORTH RIVER,
NEW YORK, January 1, 1908.

Requisition No. 6—For work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-5 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to 31st day of December:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$42,843 25	\$187,460 00
Amount previously estimated.....		144,616 75
Amount of present estimate.....	\$42,843 25	\$42,843 25
Deduct 10 per cent.....	4,284 33	4,284 33
Requisition for amount due for work done and materials furnished during the month.....	\$38,558 92	\$38,558 92

BRADLEY CONTRACTING COMPANY,
By FRANK BRADLEY, Pres.

Certificate No. 6—I hereby certify that the work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-5 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, for which Requisition No. 6 of date January 1, 1908, is made by the Bradley Contracting Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of thirty-eight thousand five hundred and fifty-eight dollars and ninety-two cents; that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon duly moved and seconded:

Whereas, The contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 6 and dated January 2, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-5 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to the 31st day of December, 1907, amounting to thirty-eight thousand five hundred and fifty-eight dollars and ninety-two cents (\$38,558.92); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(17)

2094

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer, approving the same, also approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY,
SIXTY-EIGHTH STREET AND NORTH RIVER, }
NEW YORK, January 1, 1908.

Requisition No. 5—For work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-4 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to 31st day of December:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$26,172 25	\$67,925 00
Amount previously estimated.....		41,752 75
Amount of present estimate.....	\$26,172 25	\$26,172 25
Deduct 10 per cent.....	2,617 23	2,617 23
Requisition for amount due for work done and materials furnished during the month.....	\$23,555 02	\$23,555 02

BRADLEY CONTRACTING COMPANY,

By FRANK BRADLEY, Pres.

Certificate No. 5—I hereby certify that the work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-4 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, for which Requisition No. 5 of date January 1, 1908, is made by the Bradley Contracting Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of twenty-three thousand five hundred and fifty-five dollars and two cents; that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 5, and dated January 1, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of section No. 9-0-4 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to 31st day of December, 1907, amounting to twenty-three thousand five hundred and fifty-five dollars and two cents (\$23,555.02). and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(18)

O-198

The Secretary presented the following communication from the Brooklyn Union Elevated Railroad Company in answer to Order No. 198, which was ordered filed:

January 9, 1908.

MR. TRAVIS H. WHITNEY, *Secretary, Public Service Commission, First District, No. 154 Nassau Street, Manhattan:*

DEAR SIR—Replying to the following certified resolution:

“Resolved, That the Brooklyn Union Elevated Railroad Company be required to make answers by Saturday, January 11, 1908, at 12 o'clock, to the following questions:

“1. Whether the number of trains operated on the Brooklyn Bridge during rush hours on January 9, 1908, was greater or less than usual, and if the maximum was not operated, the reasons therefor.

“2. What are the plans of the company as to the number of local trains to be operated on the Brooklyn Bridge during rush hours until such time as the company will begin the operation of through trains?”

—would advise:

1. The number of trains operated during the afternoon rush January 9 was less than the maximum usually operated, being sixteen trains in service in place of eighteen.

This was made necessary partly because of the fact that men are leaving this service without notice to us, anticipating the early discontinuance of this service; also a great number of the men assigned to this service are at the present time sick.

2. It is the plan of the company to continue operating all the available bridge equipment during the rush hours until such time as through operation is undertaken and eighteen trains will be in service at all times during rush hours unless we are short of men or some of the cars are disabled.

Yours respectfully,

J. F. CALDERWOOD,

Vice-President and General Manager.

(19)

O-199

The Secretary presented the following communication from the Interborough Rapid Transit Company upon Order No. 199, which, on motion, was referred to the Chairman:

January 13, 1908.

Mr. TRAVIS H. WHITNEY, *Secretary, Public Service Commission*, No. 154 Nassau Street, City:

DEAR SIR—Replying to your letter of January 11 in regard to certain questions as set forth in your resolution:

1. At 2.30 a. m. on the 11th inst. Chief Engineer Pegram was notified by Deputy Fire Chief Binns that this company must immediately discontinue the operation of trains past the scene of the fire for about two hours, or until the building cooled. At 10.23 in the evening of the 11th inst. Second Deputy Police Commissioner Bugher again notified us that we must discontinue service past the point mentioned.

2. Station Inspector notified all agents and gatemen to inform passengers that trains were running from the north end only to Twenty-third street, and between Fourteenth street and Borough Hall. As passengers purchased tickets agent told them this and gatemen further advised them before ticket was placed in box. If, after being informed by the agent that the road was blocked between Twenty-third and Fourteenth streets, passenger insisted, he was sold a ticket.

3. Answered in reply 2. Station men placed cardboard signs in front of the ticket window where all passengers could see same when buying their tickets. Passengers at all subway stations were notified.

4. No plans was made for increasing the elevated service, as there was ample.

Yours truly,

E. P. BRYAN, President.

(20)

O-169

The Secretary presented a communication from Edward A. Maher, President of the Union Railway Company of New York City, acknowledging receipt of Order No. 169, in regard to complaint of Gustav H. Werner as to the extension of the Morris avenue line, and stating his belief that such extension would be unnecessary and inadvisable. On motion, the communication was referred to Commissioner Eustis.

(21)

The Secretary stated that the Interborough Rapid Transit Company had furnished blueprints of their plans, showing the complete alignment of their elevated lines, as requested by the Commission on December 2.

(22)

The Secretary stated that the Interborough Rapid Transit Company had submitted blueprints showing the various types of cars used on the Manhattan Elevated lines, in accordance with the request of the Commission made on December 16.

(23)

The Secretary stated that the Interborough Rapid Transit Company had furnished certain tabulations of ticket sales at all stations on the elevated and subway lines, as requested by the Commission on November 27.

(24)

2991

The Secretary presented a communication from the Civic League of The Bronx, transmitting resolutions expressing the approval of the League as to the plan for a direct East Side rapid transit line through Manhattan, with Van Cortlandt and Pelham Bay Park extensions in the Bronx, as proposed by this Commission, and commending the plan for its near approach to a straight line between the Battery and the Harlem river, as affording opportunity for greater speed than would otherwise be possible. The communication was ordered filed.

(25)

1373

The Secretary presented a communication from the Citizens' Association of Long Island City, bringing to the notice of the Commission the improved subway transit facilities afforded to the boroughs of The Bronx and Brooklyn at the present time, and requesting that the Belmont tunnel be secured by The City of New York at an early date, in order that car fares may be the same in the subways of Manhattan, Brooklyn, The Bronx and Queens. The communication, on motion, was referred to Commissioner Maltbie.

(26)

1265

The Secretary presented a communication from Edwin H. Martin, the owner in fee of premises situated on the easterly side of Broadway, distant 94.14 feet from the southerly side of Two Hundred and Thirty-first street, having a frontage on Broadway of 70.50 feet, offering to deliver to The City of New York a release from all claims for damages for depreciation, etc., a conveyance of title to land in Broadway, with easements, and a consent to maintenance of structure and operation of railroad past said premises; the consideration for these grants to be \$705; the offer being made to facilitate settlement. On motion, the communication was referred to the Counsel to the Commission.

(27)

O-203

The Secretary presented the following order, for hearing and it was moved and duly seconded that the same be adopted by the Commission:

ORDER FOR HEARING (No. 203).

In the Matter
of

The hearing on the motion of the Commission on the question of improvements in and additions to the equipment of the Coney Island and Brooklyn Railroad Company, in the particulars hereinbelow mentioned.

It is hereby ordered, That a hearing be had on the 23d day of January, 1908, at 3 o'clock in the afternoon, or at any time or times to which the same may be

adjourned, at the rooms of the Commission at No. 154 Nassau street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment and appliances of the Coney Island and Brooklyn Railroad Company in respect to the transportation of persons in the First District are unsafe, improper or inadequate, and if such be found to be the fact, then to determine whether changes in said regulations, practices, equipment and appliances in the particulars following would be just, reasonable, safe, adequate and proper, and whether such changes should be put in force, observed and used on the line of said company; and also to inquire and determine whether improvements, changes or additions to or in the motive power or other property or device used by said company in the particulars following ought reasonably to be made in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for the transportation of passengers, namely:

Whether said company should be directed to equip each of its cars now in service or hereafter to be put in service with two automatic circuit breakers of modern type and of first-class quality and efficiency; and to arrange said circuit breakers in multiple on each car; and at all times to maintain both of said circuit breakers on each car in good and perfect repair and keep the same properly adjusted for the capacity of the motor on the car on which they are placed.

And if such changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further ordered, That the said Coney Island and Brooklyn Railroad Company be given at least eight days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company shall be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(28)

O-204

The Secretary presented the following order for extension of time and it was moved and duly seconded that the same be adopted by the Commission:

ORDER (No. 204).

John H. MacCracken, Complainant,

vs.

New York City Interborough Railway
Company, Defendant.

An order having been made on or about the 31st day of December, 1907, in the above entitled proceeding, ordering and directing the New York City Interborough

Company to remedy the cause of complaint herein, within a time therein specified, and the New York City Interborough Railway Company having applied for an extension of such time,

Now, on motion, it is

Ordered, That the time of the New York City Interborough Railway Company within which to elect which of the two courses as set forth in such order it shall adopt and the time within which it shall notify the Public Service Commission for the First District whether the terms of the said order are accepted and will be obeyed be and the same hereby is extended to and including the 20th day of January, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(29)

Commissioner Eustis presented the correspondence in the matter of a complaint by Frank D. Wilsey, of No. 69 West street, New York, dated January 8, 1908, making complaint of lack of shelter at Two Hundred and Thirtieth street and Bailey avenue. From the correspondence it appears that Commissioner Eustis called the attention of the Union Railway Company to the complaint, and asked, if it was possible, for a waiting car to be established at this point, and that under date of January 13, the complainant states that such a waiting car had been established, in accordance with the request of the Commissioner.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, JANUARY 17, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for January 13 and 14, as printed in the CITY RECORD for January 17, was approved.

(2)

On motion, duly seconded, it was

Resolved, That the following appointment be terminated:

Name.	Position.	Salary.	To Take Effect.
Florence Smith.....	Stenographer (exempt).....	\$90 per month.....	Jan. 11, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(3)

On motion, duly seconded, it was

Resolved, That the following appointment be made:

Name.	Position.	Salary.	To Take Effect.
Marie H. Stauche.....	Stenographer (exempt).....	\$90 per month.....	Jan. 13, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(4)

2532

The Secretary presented a communication from the Board of Estimate and Apportionment, transmitting resolutions adopted January 10, 1908, which were ordered filed, and which were as follows:

Resolved, That, pursuant to the provisions of section 10 of chapter 4, of the Laws of 1891, as amended, and section 14 of chapter 429, of the Laws of 1907, the sum of one hundred thousand dollars (\$100,000) be and is hereby provided for the purpose of covering the requirements of the Public Service Commission for the First District, for the year 1908 (in addition to the amount heretofore authorized), and on account of the requisition of said Commission for an appropriation of \$1,095,000, duly made by the Chairman and Secretary thereof, on December 3, 1907, and that the unexpended balance of any previous appropriation made by this Board upon the requisition of said Commission, or by the former Board of Rapid Transit Railroad Commissioners, be applied to the same purpose; and

Resolved, That for the purpose of providing for the payment of so much thereof as is in excess of said unexpended balance, the Comptroller be and is hereby authorized and directed to issue and sell Special Revenue Bonds of The City of New York, to an amount not exceeding one hundred thousand dollars (\$100,000) redeemable from the tax levy of the year succeeding the year of their issue.

(5)

2063

The Secretary presented the following notice of deposit, which was ordered filed:

January 9, 1908.

DEAR SIR—I beg to advise you that on December 30, 1907, the sum of seventeen thousand seven hundred and eighty-one dollars (\$17,781) was deposited to the credit of Rapid Transit Fund No. 2 (for Public Service Commission), authorized March 22, 1907, pursuant to the provisions of section 10, chapter 4, Laws of 1891, and section 7, chapter 752, Laws of 1894, as amended.

Respectfully,

(Signed) N. TAYLOR PHILLIPS, Deputy Comptroller.

(6)

2622

The Secretary presented the following communications from the Comptroller of The City of New York, asking information as to the rental payable by the Interborough Rapid Transit Company, and from the Chief Engineer, Henry B. Seaman, giving such information:

January 3, 1908.

The Public Service Commission for the First District, New York, Hon. W. R. WILLCOX, *Chairman*, No. 154 Nassau Street, New York City:

DEAR SIR—In order to determine the amount of rental accruing January 1, 1908, and payable by the Interborough Rapid Transit Company under provisions of the contract made with John B. McDonald, February 21, 1900 (by the City of New York, acting by the former Board of Rapid Transit Railroad Commissioners for The City of New York), and agreements supplemental thereto, I have to request that you furnish this Department with a statement containing the necessary information classified and arranged as in statements heretofore prepared by the Engineers of your Commission, for the fourth quarter of the year 1907.

I have also to request of you a statement of the rental due the City under the terms of the contract for the construction of the Brooklyn-Manhattan section of the Rapid Transit Railroad, classified and arranged as in statements for this section, heretofore prepared by the Engineers of your Commission; also for the fourth quarter of 1907.

In order to facilitate the furnishing of this information I beg to inclose statements for both of the sections mentioned above, showing the bonds authorized to be issued, the bonds issued, the premium realized thereon, and the disbursements made to December 31, 1907, inclusive, on account of the original contract price, extras, ducts, real estate, terminals and interest paid on bonds issued, etc.

I also inclose a copy of a letter to the Auditor of the Interborough Rapid Transit Company, stating the amount of bond issue allotted to the construction of the Rapid Transit Railroad during the quarter ending December 31, 1907.

Thanking you in advance, I am,

Yours truly,

(Signed) J. H. McCOOEY, Deputy Comptroller.

The statements mentioned in the above letter were as follows:

Rapid Transit Construction Fund, Brooklyn and Manhattan—Statement of Gross Disbursements and Bonds Authorized and Issued to December 31, 1907, Inclusive.

	Bonds Authorized.	Bonds Issued.	Premium.	Proceeds.	Disburse- ments to December 31, 1907.
Work and material con- tract	\$2,000,000 00	\$2,665,500 00	\$21,934 74	\$2,687,434 74	.....
Terminals and real estate.	1,000,000 00				.....
Additional tracks	1,620,000 00				.....
Work and material con- tract .....	.....	.....	.....	.....	\$1,696,394 40
Real estate contract....	.....	.....	.....	.....	1,539 65
Extra work .....	.....	.....	.....	.....	740,183 40
Real estate, including easements, etc. ....	.....	.....	.....	.....	28,769 56
Interest paid on bonds is- sued .....	.....	.....	.....	.....	219,006 70
Total.....	\$4,620,000 00	\$2,665,500 00	\$21,934 74	\$2,687,434 74	\$2,685,893 71

Note—The amount of interest paid on bonds issued as shown above will be subject to a deduction of the amount of "interest rental" paid to the City by the Interborough Rapid Transit Company on bonds issued for the construction of that portion of the Brooklyn-Manhattan division of the subway now in operation, viz.: \$42,695.96.

Rapid Transit Construction Fund, Manhattan and Bronx Division—Statement of Gross Disbursements and Bonds Authorized and Issued to December 31, 1907, Inclusive.

	Bonds Authorized.	Bonds Issued.	Premium.	Proceeds.	Disburse- ments to December 31, 1907.
Work and material con- tract	\$35,000,000 00				\$34,483,000 00
*Extra work and ducts..	5,965,000 00				4,790,095 01
Van Cortlandt Park ex- tension of Rapid Transit Railroad...	675,000 00				625,189 75
Real estate, including easements	2,000,000 00	\$45,233,000 00	\$1,881,242 35	\$47,114,242 35	1,532,437 84
Real estate in fee. ....	.....				294,194 34
Terminals	1,750,000 00				1,750,000 00
Bonds issued to pay in- terest	3,695,166 28				3,695,166 28
Total.....	\$49,085,166 28	\$45,233,000 00	\$1,881,242 35	\$47,114,242 35	\$47,170,083 22
Miscellaneous receipts to December 31, 1907.....				57,175 42	
Total.....					\$47,171,417 77

* Included in this amount is the sum of \$75,000 for the construction of the Van Cortlandt Park extension of the Rapid Transit Railroad, the estimated cost of which is taken at \$750,000, and also \$15,000 for certain changes in the Rapid Transit Railroad station at One Hundred and Forty-ninth street; \$850,000 for certain changes in trackage at Ninety-sixth street, and \$600,000 for expenses incurred as extra work for the construction of outlet chambers and for fan houses.

Note—This statement does not include interest paid on bonds issued, except that amount which has been charged direct to this Fund.

NEW YORK, January 16, 1908.

TRAVIS H. WHITNEY, Esq., *Secretary, Public Service Commission for the First District:*

DEAR SIR—As requested in the Comptroller's communication of the 3d inst., which was referred to me, I send you herewith three prints each of our drawing 1604-U and 1604-V, being statements in the usual form of the rental accruing to December 31, 1907, inclusive.

This is transmitted to you with proviso similar to that contained in your letter of December 26, 1907, to the Comptroller.

Very truly yours,
(Signed) HENRY B. SEAMAN, Chief Engineer.

The statements mentioned in the above letter were as follows:

CONTRACT

Statement Showing How the Amounts Paid by the City to and Including December to Portion of Road

Section.	Total Feet of Single Track in Each Section, as per Original Contract Drawing.	Location.	No. of Feet of Single Track of Original Trackage Opened.	Percent- age of Section Opened.
Part in Operation October 1, 1907.				
Section 1	101,000	City Hall to Fifty-ninth street.....	101,000	100.00
Section 2	89,400	Fifty-ninth street to One Hundred and Thirty- seventh street and Broadway; Ninety-sixth street and Broadway to One Hundred and Thirty-fifth street and Lenox avenue.....	89,400	100.00
Section 3	45,800	One Hundred and Thirty-seventh street and Broadway to Fort George; One Hundred and Thirty-fifth street and Lenox avenue to Third avenue and One Hundred and Forty-ninth street	45,800	100.00
Section 4	55,600	Third avenue and One Hundred and Forty- ninth street to Bronx Park; Fort George to Two Hundred and Thirtieth street, west side	50,600	91.01
Part Not in Operation:				
Section 4	.....	Two Hundred and Thirtieth street to Bailey avenue; part omitted due to change of line; Two Hundred and Thirtieth street to Two Hundred and Forty-second street and Broad- way	5,000	8.99
	291,800	Totals.....	291,800	

* Per cent of grand total.

No. 1.

31, 1907, for Construction of the Rapid Transit Railroad Are Divided With Reference Then in Operation.

Apportionment of Amounts Received from City.						Remarks.
Original Contract.*	Ducts.	Other Extras.	Terminals.	Real Estate Acquired in Fee.	Total.	
\$15,000,000 00	\$639,306 00	.....	\$750,000 00	\$26,309 04	\$37,771,259 21	
11,000,000 00	.....	\$2,717,427 83	550,000 00	.....	
6,000,000 00	723,972 58	.....	300,000 00	64,243 79		
2,730,300 00	52,608 00	656,780 63	136,515 00	203,641 51	3,779,845 14	
\$34,730,300 00	\$1,415,886 58	\$3,374,208 43	\$1,736,515 00	\$294,194 34	\$41,551,104 35	*97.86
269,700 00	.....	625,189 75	13,485 00	.....	908,374 75	*2.14
\$35,000,000 00	\$1,415,886 58	\$3,999,398 18	\$1,750,000 00	\$294,194 34	\$42,459,479 10	100.00

Bonds Issued.	Interest Rate, Per Cent.	Annual Interest.	Disbursements.	Per Cent.
\$1,500,000 00	3	\$45,000 00	Contract	\$34,483,000 00 73.104
1,165,000 00	3¼	37,862 50	Van Cortlandt Park extension	\$625,189 75
41,885,000 00	3½	1,465,975 00	Other expenses and ducts	4,790,095 01
				5,415,284 76 11.480
683,000 00	4	27,320 00	Terminals	1,750,000 00 3.710
			Interest on bonds.....	3,695,166 28 7.834
			Easements, etc., in real estate.....	1,532,437 84 3.248
			Real estate acquired in fee.....	294,194 34 0.624
\$45,233,000 00		\$1,576,157 50		\$47,170,083 22 100.000

Annual interest chargeable to Interborough Rapid Transit Company
 (100-3.248) 96.752 per cent. of \$1,576,157.50..... \$1,524,963 90
 Quarterly interest payable by Interborough Rapid Transit Company,
 one-fourth of 9.786 per cent. of \$1,524,963.90..... 373,082 42
 Interest due to September 30, 1907..... 4,036,778 08
 Total \$4,409,860 50

CONTRACT No. 2.

Tentative Statement of Rental Due the City from the Interborough Rapid Transit Railroad Company on December 31, 1907, on Account of Contract No. 2 on Portion of Road Opened as Per Agreement Dated December 14, 1905.

Location.	Number of Feet of Single Track, as Per Contract.	Proportion of Cost of Original Contract.	Extra Work.	Real Estate.	Total.	Percentage of Grand Total.
Part Operated—						
Ann street to South Ferry loop, inclusive.	10,550	\$525,529 26	.....	.....	\$525,529 26	18.969 %
Part Not Operated—						
Bridge street, Battery Park to Atlantic avenue.	29,600	1,474,470 74	\$740,183 40	\$30,309 21	2,244,963 35	81.031 %
Total.....	40,150	\$2,000,000 00	\$740,183 40	\$30,309 21	\$2,770,492 61	100.000 %

**Rapid Transit Construction Fund, Brooklyn and Manhattan Division, Statement of
Bonds Issued and Interest Rates as Furnished by the Department of Finance.**

Bonds Issued.	Interest Rate.	Annual Interest.
\$1,000 00	3¼%	\$32 50
1,815,000 00	3½%	63,525 00
849,500 00	4 %	33,980 00
<hr/>		<hr/>
\$2,665,500 00		\$97,537 50

Average interest rate = 3.65926%

	Cost.	Annual Interest.	Period for Which Interest Is Charged.	Interest for Quarter Ending December 31, 1907.
Part in operation October 1, 1907....	\$525,529 26	\$19,230 48	3 months	\$4,807 62
Balance of bonds issued.....	2,139,970 74	78,307 02	.....	.....
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total.....	\$2,665,500 00	\$97,537 50	.....	\$4,807 62

Interest for the quarter ending December 31, 1907, for part opened.....	\$4,807 62
Interest for the period ending September 30, 1907, for part opened.....	42,695 96
<hr/>	<hr/>
Total.....	\$47,503 58

On motion, duly seconded and carried, the Secretary was directed to transmit to the Comptroller copies of the above mentioned statements, giving information as requested by the Comptroller, with the usual reservations.

(7)

1665

The Secretary presented a communication from the Acting Corporation Counsel of The City of New York, transmitting a bill of costs as embodied in the following resolution:

Resolved, That the bill of Katharine V. Curry, amounting to \$992.15, for stenographic services from May 24, 1907, to November 8, 1907, and that of Mortimer Kennedy Flagg, amounting to \$200, for services as Clerk to the Commission, both having been taxed by a Justice of the Supreme Court, in the matter of the application of the Board of Rapid Transit Commissioners of The City of New York, relative to acquiring perpetual easements, etc., necessary for the construction, etc., of an elevated railroad in Westchester avenue, etc., be approved by this Commission and forwarded to the Comptroller of The City of New York for payment.

Commissioner Bassett stated that the Commission had no option but to pay the bill, it having been taxed by the Supreme Court; but that he considered that the condemnation commission had fixed the amount for stenographic services much too high, as the same work could be done at a much smaller price per folio than was charged in this case.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

2869

The Secretary presented a communication from the Counsel to the Commission, transmitting a form of resolution for the investigation of the electric lighting companies in The City of New York, and also the Consolidated Telegraph and Electrical Subway Company and the Empire City Subway Company, Limited.

The communication from the Counsel was as follows:

December 5, 1907.

Public Service Commission for the First District:

GENTLEMEN—I herewith transmit to you a form of resolution for the investigation of the electric lighting companies in The City of New York, and also the Consolidated Telegraph and Electrical Subway Company and the Empire City Subway Company, Limited, which seem to me also within your jurisdiction.

You will notice that the resolution does not involve an inquiry into the organization and capitalization of the companies or into the cost of the manufacture and distribution of electricity. The reason why I have omitted these subjects of inquiry is, that I have serious doubts as to whether the law justifies an inquiry into these subjects upon an investigation made on the motion of the Commission.

The Commission has no power under the act, as I believe, to make an order fixing the maximum price of electricity after a hearing made upon its own motion, but can proceed only upon a complaint filed as provided in section 71. As these elements of inquiry which are omitted are pertinent only to the question of fixing the proper price, an inquiry into them cannot be made on the motion of the Commission, unless other provisions of the act expressly authorize it.

A careful analysis of the law shows that an inquiry into these subjects is not expressly authorized except on a hearing made upon a complaint. The provisions of section 71 regarding the method of bringing about an inquiry into the price upon a complaint made by third parties is a strong expression of legislative intent that such inquiry shall not proceed upon the motion of the Commission.

This Commission has no general powers of investigation and cannot exercise such powers, except in furtherance of the purposes of the act, or as expressly permitted; and as I have reached the conclusion that the act contains no general provisions authorizing an investigation into these subjects, and that these subjects are

pertinent only to an investigation for the purpose of fixing the price, which can only be had upon complaint, I am of the opinion that we cannot properly include those subjects in the resolution which I present.

With respect to the general powers of investigation, the article of the law which is applicable to gas and electric corporations differs widely from the articles applicable to railroads, common carriers and street railroads. Articles 2 and 3, referring to these latter agencies, contain an express authorization of a general investigation into the general condition and capitalization of the companies (see section 45); but such general authorization is not found in the article relating to gas and electric corporations.

Subdivisions 2 and 5 of section 66 seem to me to authorize such an investigation as this resolution provides for, but I cannot find any warrant in the act for extending it to the subjects which I have omitted.

Yours respectfully,

(Signed) ABEL E. BLACKMAR, Counsel to the Commission.

The following resolution was moved and duly seconded:

HEARING ORDER (No. 205).

Whereas, This Commission has general supervision, among other things, of all persons and corporations having authority under law to erect or maintain wire conduits, ducts or other fixtures in, over and under the streets, highways and public places in the Counties of New York, Kings, Queens and Richmond, for the purpose of furnishing or transmitting electricity for light, heat or power or maintaining underground conduits or ducts for electrical conductors; and for the purpose of properly performing the duties imposed upon it by law, it is necessary to be informed of the methods employed by such companies in manufacturing and supplying electricity for light, heat or power and in transmitting the same, and the methods employed by them in the transaction of their business, and whether their property is maintained and operated for the security and accommodation of the public and in compliance with the provisions of law and of their franchises and charters;

Resolved, That this Commission do, pursuant to the authority contained in section 66 of the Public Service Commissions Law, investigate and examine into the franchises, property and operations of the electric lighting companies doing business in The City of New York, to wit:

New York Edison Company,
Brush Electric Illuminating Company,
Fleischauer Electric Light and Power Company,
United Electric Light and Power Company,
West Side Electric Company,
Long Acre Electric Light and Power Company,
Edison Electric Illuminating Company,

Kings County Electric Light and Power Company,
 Amsterdam Light, Heat and Power Company,
 Flatbush Gas Company,
 Westchester Lighting Company,
 Bronx Gas and Electric Company,
 New York and Queens Electric Light and Power Company,
 Queens Borough Gas and Electric Company,
 Richmond Light and Railroad Company; and also the
 Consolidated Telegraph and Electrical Subway Company and
 Empire City Subway Company, Limited;

—and any other company engaged in the business of producing and selling electricity for light, heat or power, and having authority to maintain wires, conduits, ducts or other fixtures in, over or under any streets, highways or public places in The City of New York.

Further resolved, That, in addition to the investigation into the franchises, property and operations of the said companies, inquiry be made into the methods employed by the companies and each of them with respect to any discrimination in rates and whether such discrimination is undue, unreasonable or unjust; whether contracts are required of customers as a condition to service, and if so, their nature and whether legal, just and reasonable; emergency service and auxiliary or supplemental service; regulations governing the introduction of wires upon the premises of customers and others, including the cost and charges therefor; regulations governing the discontinuance of service and also the price charged for electricity and any regulations governing the same; the kind, condition and accuracy of meters used, the condition of the currents, wires, conduits and services and generally the methods employed by the said corporations in generating and supplying electricity and in the transaction of their business; and into every matter and thing necessary or proper to inform the Commission whether the property of said company is maintained and operated for the security and accommodation of the public, and in compliance with the provisions of law and of their franchises and charters, together with any other matter or thing relating to said companies, or either of them, and subject to the control or supervision of the Commission.

Further resolved, That such investigation proceed at such time or times as may be fixed by this Commission or the Commissioner presiding, and that notice of the same be sent to the company or companies affected thereby.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(9)

2727

The Secretary presented the following communication from the New York Edison Company with regard to supplementary service:

January 16, 1908.

Public Service Commission, First District, Tribune Building, City:

GENTLEMEN—Permit us to hand you, enclosed hereunder, a memorandum outlining a new *service rate*, which, with your approval, this company will be prepared to adopt in the supply of electric current for "breakdown," or reserve service to private plants.

In submitting this schedule we desire to point out that the operator of a private plant does not purchase electric current in the usual sense, but rather wishes our service placed at his disposal merely as a *reserve* to his plant. It is not electric service in the usual sense, but insurance, to protect him against breakdown or overload; it is supplementary service, that he wishes placed at his convenient disposal.

The service he desires this company to render is the equivalent of a duplicate plant, duplicated from the coal pile and boilers through the engines and generators, to an independent generating and distributing switchboard. Furthermore, he asks of us the equivalent of such a plant under constant steam pressure, in at least slow operation, but ready to serve at an instant's notice, and for which special labor attendance would have to provide constantly.

As showing that such a reserve is not fanciful, permit us to point out that in the generating stations of this company, engines and generators are always running well within their ordinary limits of capacity to provide an adequate reserve on our general service, and in addition other units are revolving slowly, requiring the operation of boilers, consuming steam, calling for many supply and maintenance expenditures and the constant attendance of engineers and helpers.

What we seek to point out here is that instantaneous "readiness to serve" and reliability of service are not accomplished without large operating and maintenance costs, as well as "fixed charges." All of this is what the private plant operator desires to have available, but usually without paying even the bare expense to which this company is subjected in maintaining the service.

A leased telephone or telegraph line, assigned to the exclusive use of one customer, offers perhaps more clearly an excellent example of a parallel instance. Not a single message might be sent over the line for days at a time, yet, once established and in readiness for instantaneous service, the company erecting and maintaining it is subjected to a large expenditure of a fixed and maintenance nature, which bears no relation whatever to the use to which the line may be subjected. Here the cost to the consumer should be based upon these necessary expenditures relating to interest, depreciation and other fixed and maintenance charges proportional to the investment. This, we believe, is the present well understood and accepted practice of the telephone and telegraph companies. Many analogies will be found in other public utility corporations, notably the railroads.

Likewise with corresponding service of this company, the price to the consumer must be fairly based upon the extent to which we are compelled to hold ourselves in readiness to serve his wants; making, as we here attempt to do, a *service rate* irrespective of any current that may be actually consumed.

In this instance we believe we have gone a step further than is customary, in that the service charge may be exhausted in the use of current at the best prevailing rate without additional cost to the consumer.

This arrangement is proposed tentatively and experimentally for the purpose of meeting, as far as seems practicable, the wishes of those operating private plants and of fulfilling in a larger sense our desires to serve the community of The City of New York in every way to the largest measure possible in our power. In this we believe that we are meeting not alone the desires of those operating private plants, but as well the evident sentiment of the gentlemen of the Merchants' Association, by whom this question has been under consideration, and as far as we have been able to ascertain, the view of the Public Service Commission.

In receding from our former position may we not take this occasion to point out that the action is voluntary and is taken notwithstanding that in at least three important decisions the Courts have fully sustained the company in its attitude toward this question of rendering reserve service to private plants.

We are sending a copy of this memorandum and letter to the Merchants' Association, to whom the matter had been presented by several of the association's members, and with whom it had been considered and discussed by representatives of this company before the creation of the present Commission. In acknowledging the courtesy with which these questions have been presented to us by the members of your Commission, we feel that this acknowledgment to them should be made in view of the evident spirit of fairness with which the members of the Special Committee of the Merchants' Association have approached the subject and of the desire on the part of all, while protecting and advancing the welfare of the general public, to also treat this company with absolute fairness in a question of an extremely technical nature and little understood—an attitude fair and absolutely consistent in our belief with the best interests of the public as well as of this company.

Truly yours,

(Signed) NICHOLAS F. BRADY, Vice-President.

MEMORANDUM RE BREAKDOWN CONNECTIONS.

Respectfully Submitted to the Public Service Commission by the New York Edison Company.

It is understood that breakdown connections shall be furnished to any applicant operating a private plant on the following basis:

(a) A *service charge* of \$30 annually for each kilowatt of installation that under any arrangement of wires, switches or other devices can be connected with the service of the company.

(b) This does not refer to any installation or part of installation permanently segregated from the private plant and connecting directly with the service of the company. Such installation may be supplied under direct contract at the best rates obtainable by any other consumer under like conditions using an equal amount of current.

(c) In rating the installation each 16-candle power standard incandescent lamp should be taken as the equivalent of 50 watts; 8-candle lamps and others of other sizes shall have a proportional rating based on their candle power; each arc lamp shall be rated at ten 16-candle equivalents, each horsepower at fifteen equivalents.

(d) Within the *service charge* of \$30 annually the customer may consume electric current at the best rates obtainable in his class without additional charge.

(e) In all instances the customer is to provide incandescent lamps for the original installation and renewals and carbons and trimming and for the maintenance of any arc lamps. The company assumes no responsibility for the installation.

(f) Service connections will be carried within the building at the vault or building line, as the company may determine. Meters will be installed at this point. Beyond this point connections must be provided by the consumer in the usual manner. At or near the plant switchboard a throw-over switch must be installed, insuring absolute electrical separation of the plant and the Edison supply.

Commissioner Maltbie—"The question of breakdown service is one of the matters proposed for consideration and investigation in the resolution that has been offered (Order No. 205). Some time ago, as stated in the letter, the Edison Company took the position that it did not wish, under any circumstances, to provide breakdown or auxiliary service, and that it could not, in view of the conditions that existed, be asked in fairness to do so; but the company was asked to consider the subject further and to see whether it were not possible to provide some way which would be fair and generally satisfactory to the consumers who wished breakdown or auxiliary service by which a charge might be made and they be given this service, as in many instances they have expressed willingness to pay almost any amount that was fair, if only they could have the service. This letter is in response to that verbal request made some time ago, and as it is an interesting and a valuable suggestion along this line, I move, Mr. Chairman, that the letter be entered upon the minutes and that it be referred to the Commissioner having charge of the investigation."

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Maltbie to take charge of the investigation.

(10)

COMPLAINT ORDER (No. 206).

O-206

Francis P. Kenney, as President of the
Highbridge Taxpayers' Alliance, Com-
plainant,

against

The New York Central and Hudson River
Railroad Company, Defendant.

The order of the Commission, being Order No. 206, for satisfaction or answer within ten (10) days, was approved, confirmed and ordered filed in the office of the Commission.

(11)

COMPLAINT ORDER (No. 207).

O-207

Flushing Association, Complainant,

against

Brooklyn Heights Railroad Company, De-
fendant.

The order of the Commission, being Order No. 207 for satisfaction or answer within ten (10) days, as to the collection of two fares of five cents each on its line between Jagger avenue, Flushing, and points in the Boroughs of Brooklyn and Manhattan, was approved, confirmed and ordered filed in the office of the Commission.

(12)

O-208

It was moved and duly seconded that the following order be adopted by the Commission:

ORDER FOR ANSWER (No. 208).

In the Matter

of

Information to be furnished by the Inter-
borough Rapid Transit Company, with
respect to ticket sales at Fulton street,
Wall street, Bowling Green and Bor-
ough Hall subway stations from January
2 to 16, 1908, inclusive.

Resolved, That the Interborough Rapid Transit Company be requested to furnish this Commission the ticket sales on the southbound platforms of the Fulton and Wall street stations, and at the Bowling Green station, and at the Brooklyn Bridge station, from January 2 to January 16, 1908, inclusive; and the ticket sales at the Borough Hall station in Brooklyn from the opening to date.

Ayes—Commissioners Willcox, McCarrall, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(13)

2093

The Secretary presented the following requisition of the Cranford Company, together with the certificate of the Chief Engineer approving same, as approved by the Committee on Audit:

CRANFORD COMPANY—OFFICE OF THE CONTRACTOR, }
 NO. 190 MONTAGUE STREET, BROOKLYN, N. Y. }
 NEW YORK, December 31, 1907. }

Requisition No. 5—For work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of The City of New York, to 31st day of December, 1907, as follows:

	For Month.	Total.
Total to date, relating to the contract value of the whole work.....	\$64,106 90	\$211,425 40
Amount previously estimated.....	.....	147,318 50
Amount of present estimate.....	64,106 90	64,106 90
Deduct 10 per cent.....	6,410 69	6,410 69
Requisition for amount due for work done and materials furnished during the month.....	\$57,696 21	\$57,696 21

CRANFORD COMPANY, Contractor.

Per A. G. UNDERWOOD, Secretary.

Certificate No. 5—I hereby certify that the work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of The City of New York, for which Requisition No. 5 of date December 31, 1907, is made by Cranford Company, the Contractor, has been done and furnished in accordance with the terms of the contract to the value of \$57,696.21, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission

For the First District.

The following resolution was thereupon moved, and duly seconded:

Whereas, The Contractor, Cranford Company, has made requisition on this Commission, numbered No. 5, and dated December 31, 1907, for work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of The City of New York, to the 31st day of December, 1907, amounting to fifty-seven thousand six hundred and ninety-six dollars and twenty-one cents (\$57,696.21); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the

terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials:

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(14)

O-185

The Secretary stated that a communication had been received from the Richmond Light and Railroad Company, upon Order No. 185, with regard to improvement in and addition to the service and equipment of that company, notifying the Commission that the terms of the order were accepted and would be obeyed. The communication was ordered filed.

(15)

O-186

The Secretary stated that a communication had been received from the Staten Island Midland Railway Company, upon Order No. 186, with regard to improvement in and addition to the service and equipment of that company, notifying the Commission that the terms of the order were accepted and would be obeyed. The communication was ordered filed.

(16)

3015

The Secretary presented the following communication from Adrian H. Joline and Douglas Robinson, receivers of the New York City Railway Company, which was ordered filed:

January 14, 1908.

The Honorable, the Public Service Commission for the First District, No. 154 Nassau Street, New York:

DEAR SIRS—We beg to advise you that, by an order of the United States Circuit Court for the Southern District of New York, dated January 6, 1908, of which a copy is herewith enclosed for your information, Frederick W. Whitridge, Esq., was appointed receiver of the property of the Third Avenue Railroad Company.

Mr. Whitridge took possession of said property on January 12, 1908, and is now operating the same, and we, as receivers of the New York City Railway Company, no longer any control thereof.

The following are the routes of the Third Avenue Railroad Company:

Third Avenue Line.

From the Post Office (Ann street and Broadway) via Park row, Chatham square, Bowery, Third avenue to One Hundred and Thirtieth street and Third avenue.

From the Post Office (Ann street and Broadway) via Park row, Chatham square, Bowery, Third avenue, One Hundred and Twenty-fifth street, Manhattan street, Amsterdam avenue, and thence on Amsterdam avenue to One Hundred and Ninety-fifth street.

One Hundred and Twenty-fifth Street Crosstown Line.

From Fort Lee Ferry (One Hundred and Thirtieth street and North river) via Manhattan street, One Hundred and Twenty-fifth street, and thence on One Hundred and Twenty-fifth street to the East river.

Yours very truly,

ADRIAN H. JOLINE,
DOUGLAS ROBINSON,

Receivers.

(17)

O-196

The Secretary stated that a communication had been received from the Brooklyn Union Elevated Railroad Company, upon Order No. 196, with regard to the 20 per cent. increase in service on the Lexington avenue line, notifying the Commission that the terms of the order were accepted and would be obeyed. The communication was ordered filed.

(18)

1029

The Secretary presented a communication from the Twenty-eighth Ward Tax-payers' Protective Association, in connection with the new conditions consequent upon the opening of the Brooklyn extension of the subway, suggesting that the Brooklyn Rapid Transit Company increase the number of cars run over the Brooklyn Bridge; that new stations be erected at the Borough Hall entrance to the subway, and at Broadway and Havemeyer street or on the plaza, and that more cars be run on the Ralph avenue and Broadway lines, especially in the evening, and inquiring when the elevated trains and surface cars would operate into the new subway station in Manhattan.

On motion, duly seconded, the letter was referred to Commissioner McCarroll.

(19)

The Secretary presented a communication from the Counsel to the Commission, transmitting estimates of the cost of reprinting contracts Nos. 1 and 2, the bidders and amounts being as follows:

Martin B. Brown Company—

500 copies	\$1,116 00
1,000 copies	1,388 00

William Siegrist—

500 copies	1,375 00
1,000 copies	1,700 00

Benjamin H. Tyrrel—

500 copies	1,230 00
1,000 copies	1,550 00

G. C. Burgoyne—

500 copies	2,225 00
1,000 copies	2,800 00

It was moved, and duly seconded, that the Counsel to the Commission be authorized to have printed 500 copies' of Contracts Nos. 1 and 2, with modifications, by the Martin B. Brown Company, the lowest bidder.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(20)

Commissioner McCarroll, as Committee on Audit, for January, presented the following bills, whereupon, on motion, duly seconded, it was resolved that the bills enumerated below be approved by this Commission and forwarded to the Comptroller of The City of New York for payment.

Name.	Service or Material.	Date of Bill.	Amount of Bill.
Baker, Wm. T.....	50 pounds of candles, Division No. 5.....	Dec. 21, 1907	\$7 50
Chambers Printing Company.....	1,000 library notice cards...	Dec. 21, 1907	4 25
Chambers Printing Company.....	5,000 envelopes.....	Dec. 24, 1907	12 50
Chambers Printing Company.....	5,000 observation slips.....	Dec. 28, 1907	10 00
Fitch, Emma	Rent, No. 2630 Broadway (Second Division office for January, 1908).....	Jan. 1, 1908	83 33
Fowler Manufacturing Company.....	Towel service (Engineering Department, month of December)	Dec. 31, 1907	20 13
Great Bear Spring Company.....	Water during November....	Nov. 30, 1907	14 40
Great Bear Spring Company.....	Water during December....	Dec. 31, 1907	11 40
Hyde, E. Belcher.....	Corrections to Manhattan, The Bronx and Brooklyn, atlases for 1907.....	Dec. 31, 1907	84 00
Keuffel & Esser Company.....	Blueprint frame, tracing cloth, pencils, etc. (Sewer Division)	Dec. 18, 1907	54 30
Keuffel & Esser Company.....	Tracing cloth, black prints, etc. (Draughting Bureau).	Dec. 19, 1907	40 87
Keuffel & Esser Company.....	Architects' and engineers' scales, triangles, straight-edges	Dec. 28, 1907	38 30
Keuffel & Esser Company.....	Metallic tapes, blueprint paper, etc. (Division No. 1)	Dec. 30, 1907	14 77
Keuffel & Esser Company.....	Blueprint paper (Division No. 3).....	Dec. 31, 1907	3 90
Keuffel & Esser Company.....	Pocket rules (Sewer Division)	Dec. 28, 1907	15 10
Ivins, Mason, Wolff & Hoguet.....	Disbursements August 1 to December 1, 1907.....	Jan. 6, 1908	262 80

Name.	Service or Material.	Date of Bill.	Amount of Bill.
Initial Towel Supply Company.....	Towel service, December (Engineering Department)	Jan. 1, 1908	27 94
Ingram-Richardson Manufacturing Company	173 number plates (Brooklyn tunnel)	Dec. 24, 1907	43 25
Jensen, John	Janitor service (Second Division, month of December).	Jan. 1, 1908	10 00
Law Reporting Company.....	Stenographic work and copying, annual report.....	Jan. 4, 1908	275 00
Library Bureau	Card trays, cards, etc.....	Dec. 31, 1907	14 50
Monks, John H.....	Moving furniture, etc. (Second Division office, from No. 1947 Broadway to No. 2628 Broadway).....	Dec. 31, 1907	60 00
New York Edison Company.....	Electric Light Division No. 3, October 17 to November 18.....	Nov. 18, 1907	2 03
New York Edison Company.....	Electric Light Division No. 3, November 18 to December 18.....	Dec. 18, 1907	4 13
Ohman, August R., & Co.....	Seven complete maps of New York City (General Inspection Station).....	Dec. 28, 1907	280 00
Pigueron, Wm. G.....	Rent (Sewer Division), January	Jan. 1, 1908	148 16
Stechert, G. E., & Co.....	Book and periodicals for library	Jan. 7, 1908	15 69
New York Blueprint Paper Company..	Blueprinting in December (Drafting Department Bureau)	Jan. 2, 1908	11 40
Scranton & Lehigh Coal Company.....	Two tons of coal, No. 317 Furman street, Brooklyn..	Dec. 20, 1907	13 50
Tribune Association	Rent, No. 154 Nassau street, January	Jan. 2, 1908	3,247 92
Trucking Company of New York.....	Moving four safes from No. 1947 Broadway to No. 2630 Broadway.....	Jan. 2, 1908	25 00
Tower Manufacturing and Novelty Company	25,000 sheets of typewriter paper	Nov. 15, 1907	47 00
Tower Manufacturing and Novelty Company	Numbering machine, desk trays, pencils, onion skin typewriter paper, pads, etc.	Nov. 29, 1907	52 75
Tower Manufacturing and Novelty Company	Desk diaries, envelopes, etc.	Dec. 7, 1907	32 35
Tower Manufacturing and Novelty Company	Manila folders, desk pads...	Dec. 14, 1907	9 90
Tower Manufacturing and Novelty Company	Flexible cover binders.....	Dec. 17, 1907	7 80
Tower Manufacturing and Novelty Company	Paper roll holder (General Inspection Station).....	Dec. 24, 1907	5 00
Tower Manufacturing and Novelty Company	Special loose leaf binders...	Dec. 26, 1907	57 60
Tower Manufacturing and Novelty Company	Pencils, rubber bands.....	Dec. 27, 1907	17 76
Tower Manufacturing and Novelty Company	Flexible leather covers and ruled sheets.....	Jan. 3, 1908	12 40
Tower Manufacturing and Novelty Company	Desk diaries, punch, etc....	Jan. 4, 1908	41 63
United District Messenger Company...	Messenger service, month of December	Jan. 1, 1908	16 55
Walker, Charles B.....	Rent, Nos. 88 and 90 Centre street, month of January.	Jan. 1, 1908	60 00
Yawman & Erbe Manufacturing Company.....	One dozen rolls of copying paper	Dec. 13, 1907	7 80

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

The Secretary presented a communication from Henry B. Seaman, Chief Engineer, transmitting two mounted sketches of ventilating houses of ornate design over the subway in Brooklyn.

On motion, duly seconded, it was

Resolved, That sketches prepared by the Chief Engineer for ventilating houses at Fulton street and DeKalb avenue, and at Rockland place, Lafayette and Flatbush avenues, be submitted to the Municipal Art Commission for its approval.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

The Secretary presented the following resolution:

Whereas, On October 7, 1907, the Commission duly entered into a certain contract with one George Thum for the purchase of his property, known as No. 402 Broome street, in The City of New York, Borough of Manhattan, for the sum of forty thousand dollars (\$40,000); and

Whereas, On October 16, 1907, pursuant to a resolution of the Commission, the Chairman and Secretary thereof duly made and transmitted to the Board of Estimate and Apportionment a requisition for the authorization of an amount of Corporate Stock of The City of New York, to be sold sufficient to pay the estimated expense of the acquisition of real estate or interest therein, necessary for the construction and operation of the Brooklyn loop lines, Manhattan, to the amount of one million dollars (\$1,000,000); and

Whereas, On December 20, 1907, the Board of Estimate and Apportionment duly passed a resolution wherein and whereby the Comptroller of The City of New York was authorized to issue Corporate Stock of The City of New York on account of said requisition, to an amount not exceeding forty thousand dollars (\$40,000) to provide means for the purchase of said property known as No. 402 Broome street; now therefore be it

Resolved, That a voucher be drawn in due form on the Comptroller of The City of New York for the sum of forty thousand dollars (\$40,000), the amount of the purchase price of said property.

It was moved, and duly seconded, that the resolution be adopted.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

ORDER FOR ANSWER (No. 209).

O-209

On motion, duly seconded, it was

Resolved, That the Interborough Rapid Transit Company be required to make answer as to the progress being made towards building the additional stairway at Cortlandt and Greenwich streets.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(24)

ORDER FOR ANSWER (No. 210).

O-210

On motion, duly seconded, it was

Resolved, That the New York City Interborough Railroad Company be required to make answer not later than Monday, January 20, at twelve o'clock, as to the reasons for not commencing operation of the Tremont avenue line running from One Hundred and Eighty-first street to West Farms.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(25)

ORDER FOR ANSWER (No. 211).

O-211

On motion, duly seconded, it was

Resolved, That the New York Central and Hudson River Railroad Company be required to make answer, giving the reasons for the proposed discontinuance of trains on the Putnam Division after midnight.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(26)

It was moved, and duly seconded, that a hearing to be held on Wednesday, January 22, 1908, at four o'clock p. m., concerning the plans and layout of the Broadway-Lexington avenue subway.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

A hearing was held at 2 p. m., in relation to amendments to the Rapid Transit Law in accordance with the resolution adopted by the Commission on January 10, 1908, to hear the suggestions of representatives of civic organizations and of the public upon the following questions:

- (1) Whether the City should be confined to municipal construction only.

(2) Whether the City should also allow main rapid transit lines to be constructed by private corporations at their own expense.

(3) Whether franchises for main lines like that granted for the McAdoo tunnel under Sixth avenue would be safe.

(4) Whether the twenty-year term of operation of a municipally controlled rapid transit road should be increased.

(5) Whether the City should be allowed to make contracts for operation of extensions of existing subways for as long a time as the original contract upon terms.

(6) Whether the City should allow extensions of elevated railroads and other existing rapid transit lines holding franchises in perpetuity to construct extensions at their own expense subject to proper terms and readjustment each twenty-five years.

The following persons spoke:

Ex-Senator Nathaniel A. Elsberg.

Bird S. Coler, President of the Borough of Brooklyn.

Herman A. Metz, Comptroller of The City of New York.

J. E. Swanstrom, Esq., representing the Citizens' Central League.

Julius Henry Cohen, Esq., representing the Citizens' Union.

Calvin Tompkins, Esq., representing the Municipal Art Society.

Henry C. Wright, Esq., representing the City Club of New York.

N. H. Levi, Esq., representing the Brooklyn Board of Trade.

John DeWitt Warner, Esq., representing the Municipal Art Society.

J. Aspinwall Hodge, Esq., representing the City Club of New York.

John Morton, Esq.

Philip S. Tilden, Esq., representing the Flatbush Taxpayers' Associations.

Olin J. Stephens, Esq., representing the North Side Board of Trade, and

F. C. Leubuscher, Esq., representing the Manhattan Single Taxpayers.

The following persons submitted briefs:

McKnight, Esq., representing the Real Estate Exchange of Queens Borough.

John J. Hopper, Esq., representing the Executive Committee of the Independence League.

Edward Polak, Esq., representing the Rapid Transit Committee of Bronx Real Estate Brokers.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, JANUARY 21, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

2063

The Secretary presented the following notices of deposit from the Department of Finance, which were ordered filed:

September 13, 1907.

DEAR SIR—I beg to advise you that on September 13, 1907, the sum of fifty thousand dollars (\$50,000) was deposited to the credit of Rapid Transit Construction Fund—Manhattan-Bronx, authorized November 23, 1906, pursuant to chapter 4, Laws of 1891, as amended by chapter 7, Laws of 1900, and sections 45 and 169 and 170 of the Greater New York Charter, as amended.

Respectfully,

(Signed) N. TAYLOR PHILLIPS, Deputy Comptroller.

September 15, 1907.

DEAR SIR—I beg to advise you that on September 16, 1907, the sum of forty thousand dollars (\$40,000) was deposited to the credit of Rapid Transit Construction Fund, Brooklyn Loop Lines, Borough of Manhattan (Sub-Title No. 1), authorized April 19, 1907, pursuant to chapter 4, Laws of 1901, and section 37 of the Greater New York Charter, as amended.

Respectfully,

(Signed) N. TAYLOR PHILLIPS, Deputy Comptroller.

(2)

On motion, duly seconded, it was

Resolved, That the following appointments be made from duly certified Civil Service lists:

Name.	Position.	Salary.	To Take Effect.
Theresa Makay.....	Stenographer.....	\$75 per month.....	January 22, 1908
Lydia M. Brewster.....	Stenographer.....	75 per month.....	January 21, 1908
Dorothy M. Quilty.....	Stenographer.....	75 per month.....	January 27, 1908
Archibald M. Gilbert.....	Transit Inspector....	1,200 per year.....	December 23, 1907

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(3)

O-212

Commissioner Eustis presented the following order for hearing, and it was moved and duly seconded that the same be adopted by the Commission:

ORDER FOR HEARING (No. 212).

In the Matter
of

The hearing on the motion of the Commission as to the regulations, practices, equipment and service of the New York Central and Hudson River Railroad Company, in the respects hereinafter mentioned.

It is hereby

Ordered, That a hearing be had on the 3d day of February, 1908, at 4 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission at No. 154 Nassau street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment, appliances or service of said company upon and near its line known as the New York and Putnam Division, at its point of crossing at Two Hundred and Twenty-fifth street, in the Borough of The Bronx, in respect to the transportation of persons, freight or property within the State, are unjust, unreasonable, unsafe, improper or inadequate; and if it be so found, then to determine whether changes in said regulations, practices, equipment, appliances or service in the particulars following, at the place or places herein mentioned, would be just, reasonable, safe, adequate and proper, and whether such changes shall be put in force, observed and used on the line of said company; and also to inquire and determine whether repairs, improvements, changes or additions to or

in the tracks, switches, terminals, terminal facilities or other property or device used by said company in the particulars following ought reasonably to be made in order to promote the security or convenience of the public or employees or in order to secure adequate facilities for the transportation of passengers, freight or property, viz.:

Whether said company should be directed to erect and maintain proper gates with suitable signs and signals at the point where said line crosses Two Hundred and Twenty-fifth street, in the Borough of The Bronx, City and State of New York, and should station one or more persons at said point for the proper operation and management of said gates, and for the proper warning of pedestrians and vehicles crossing said line at said point.

Whether said company should be directed to improve the equipment of the gates now installed at the above mentioned crossing or to place new and more adequate gates at said crossing.

Whether the said company should be directed to station more competent and efficient gatemen at said crossing.

Whether said company should be instructed to install and maintain at the proper place or places a signal bell or signal bells to acquaint and warn the flagman or gateman at said crossing of the approach of trains from either direction and from both directions, to the end that the gates at said crossing may be lowered at the proper time and in suitable time to protect the public from danger in crossing the tracks of said railroad at that point.

Whether said company should be directed to make other changes in its property, equipment or appliances or in its regulations, practices and service upon said line at said point of grade crossing.

And if such changes, improvements and additions, or any of them, be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same ought to be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further

Ordered, That said the New York Central and Hudson River Railroad Company be given at least ten days notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity to present evidence and to examine and cross-examine witnesses as to the matters hereinbefore set forth.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Eustis to take charge of the hearing.

(4)

O-213

Commissioner Bassett presented the following order for hearing, and it was moved and duly seconded that the same be adopted by the Commission:

ORDER FOR HEARING (No. 213).

In the Matter

of

The hearing on the motion of the Commission as to the regulations, practices, equipment and service of the Brooklyn Union Elevated Railroad Company in the respects hereinafter mentioned.

It is hereby

Ordered, That a hearing be had on the 3d day of February, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission at No. 154 Nassau street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment, appliances or service of the said company on its line on and across and near the Brooklyn Bridge, in The City of New York, in respect to the transportation of persons, freight or property within the State, are unjust, unreasonable, unsafe, improper or inadequate, and if it be so found then to determine whether changes in said regulations, practices, equipment, appliances or service, in the particulars following, at the place or places herein mentioned, would be just, reasonable, safe, adequate and proper, and whether such changes shall be put in force, observed and used on the line of said company, and also to inquire and determine whether repairs, improvements, changes or additions to or in the tracks, switches, terminals, terminal facilities or other property or device used by said company in the particulars following ought reasonably to be made in order to promote the security or convenience of the public or employees, or in order to secure adequate facilities for the transportation of passengers, freight or property, namely:

Whether said company should be directed to keep and maintain at its terminal yard at or near the Brooklyn terminal of the Brooklyn Bridge a wrecking car or wrecking cars, or wrecking train or wrecking trains, to be used by said company in clearing its track upon and near said bridge and opening the same up for transportation in cases of derailments or other accidents on or near said bridge, to the end that the delay in the transportation of passengers, freight or property caused by such accidents shall be as slight as possible and that the public safety and convenience shall be promoted.

And if such changes, improvements and additions, or any of them, be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same ought to be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable. further

Ordered, That the said Brooklyn Union Elevated Railroad Company be given at least ten days' notice of such hearing, by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity to present evidence and to examine and cross-examine witnesses as to the matters hereinbefore set forth.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to take charge of the hearing.

(5)

2092

The Secretary presented the following requisition of the Degnon Contracting Company, together with the certificate of the Chief Engineer approving the same, as approved by the Committee on Audit:

THE DEGNON CONTRACTING COMPANY,
OFFICE OF THE CONTRACTOR, No. 60 WALL STREET,
NEW YORK, January 14, 1908. }

Requisition No. 6 (Revised)—For work done and materials furnished under contract dated April 27, 1907, for the construction of Section No. 9-o-2 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to 31st day of December, 1907, as follows:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$116,049 65	\$405,528 40
Amount previously estimated.....		289,478 75
Amount of present estimate.....	116,049 65	116,049 65
Deduct 10 per cent.....	11,604 97	11,604 97
Requisition for amount due for work done and materials furnished during the month.....	\$104,444 68	\$104,444 68

DEGNON CONTRACTING COMPANY,
(Signed) H. C. SANFORD, Chief Engineer.

Certificate No. 6—I hereby certify that the work done and materials furnished under contract dated April 27, 1907, for the construction of Section 9-o-2 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, for which requisition No. 6, of date January 14, 1908, is made by the Degnon Contracting Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of \$104,444.68; that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission.

The following resolution was thereupon moved and duly seconded:

Whereas, The contractor, the Degnon Contracting Company, has made requisition on this Commission, numbered No. 6 (Revised), and dated January 14, 1908, for work done and materials furnished under contract dated April 27, 1907, for the construction of Section No. 9-0-2 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to 31st day of December, 1907, amounting to one hundred and four thousand four hundred and forty-four dollars and sixty-eight cents (\$104,444.68); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials;

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(6)

The Secretary presented for the approval of the Commission a bill as embodied in the following resolution:

Resolved, That the bill of Henry B. Seaman, amounting to \$625, for professional services during November, 1907, as approved by the Committee on Audit, be approved by this Commission, sent to the State Civil Service Commission for approval and forwarded to the Comptroller of The City of New York for payment.

It was moved and duly seconded that the above resolution be adopted.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(7)

O-210

The Secretary stated that a communication had been received from the New York City Interborough Railway Company, upon Order No. 210 of the Commission, with regard to commencing the operation of the Tremont avenue line. The letter, on motion, was referred to Commissioner Eustis, and was as follows:

NEW YORK CITY INTERBOROUGH RAILWAY COMPANY, }
January 20, 1908. }

MR. TRAVIS H. WHITNEY, *Secretary, Public Service Commission, First District*, Tribune Building, New York:

DEAR SIR—Replying to the request of the Commission as to the reasons for not commencing operation of the Tremont avenue line, running from One Hundred and

Eighty-first street to West Farms, on or about December 28, 1907, the work of stringing the overhead wires was interrupted by an Inspector, who said to me at the time that the borough authorities did not desire to have the line operated until the contractor who was paving the street had turned it over to the City.

I later communicated with the Chief Engineer of the Borough of The Bronx, and was again advised that the City authorities did not desire the road operated until the street had been legally turned over by the contractor, and was requested to apply for a special permit to complete the stringing of the overhead wires. On December 30, I applied to the Borough President for such special permit, and the permit has not yet been granted, and, so far as I know, the contractor has not yet turned the road over to the City authorities.

For these reasons the Tremont avenue line has not been put in operation. If you desire any further information, I shall be pleased to furnish it at any time.

Very truly yours,

(Signed) A. E. KALBACH,
Manager and Engineer.

(8)

2204

The Secretary presented a communication from the Secretary of the Twenty-eighth Ward Taxpayers' Protective Association (Brooklyn), transmitting resolutions urging the immediate letting of contracts for the subway route on Broadway and Lafayette avenue, Brooklyn, in view of the fact that unless the contract were let, or the construction begun, by October 2, 1908, the franchise would lapse. The Chairman stated that the writer was incorrect in stating that the franchise would lapse, as he had reference to consents obtained from property owners at the time these roads were originally adopted by the old Rapid Transit Commissioners, which consents, instead of lapsing in October, would lapse next January, when, if it were not possible to lay out the construction of the subways without them, the same consents could probably be obtained again.

On motion, duly seconded and carried, the Secretary was directed to send a communication, setting forth the facts in the case, to the above association, and the communication was ordered filed.

(9)

C-1271

The Secretary presented a communication from the West Bronx Democratic Club, J. W. Banton, Corresponding Secretary, transmitting the following resolution:

"That the members of the West Bronx Democratic Club enter their protest against sending all of the Ogden avenue cars from the One Hundred and Fifty-fifth street elevated station through to Kingsbridge road, and request the Public Service Commission to use their authority to restore the route recently in effect, so that some of the cars will run directly to the subway station at One Hundred and Eighty-first street and return to the One Hundred and Fifty-fifth street elevated station."

On motion, the letter was referred to Commissioner Eustis.

(10)

1353

The Secretary presented a communication from the Jamaica Citizens' Association, transmitting the following resolution, which was ordered filed:

Resolved. That it is the sense of this Association and the opinion of the people of Jamaica that it is to the interest of The City of New York that the Belmont tunnel, so-called, be acquired by the City, but that one of the conditions shall be that it be made a part of the subway system on the same basis as the subway extension to Brooklyn, and the fixed charges be paid in the same manner.

On motion, the letter was referred to Commissioner Maltbie.

(11)

C-1268

The Secretary presented a communication from Jas. F. Healey, President of the North Van Nest Taxpayers' Association, as to the necessity of an extension of the subway through West Farms road to Morris Park avenue, to White Plains road, and thence to the city line, referring to resolutions on the same subject which also protested against a third track on the Second or Third avenue elevated lines, or the extension of the subway from One Hundred and Eightieth street in a direct line to White Plains road and Pelham Parkway.

On motion, the letter was referred to Commissioner Eustis.

(12)

O-214

The Secretary presented the following order, and it was moved and duly seconded that the same be adopted by the Commission:

ORDER FOR REHEARING (No. 214).

John H. McCracken,
Complainant,

against

New York City Interborough Railway
Company,

Defendant.

An order, No. 183, having been made and filed herein on December 31, 1907, under and pursuant to an order for a hearing, No. 101, made November 20, 1907, and thereafter said Order No. 183 having been duly served upon the New York City Interborough Railway Company; and in and by the terms of said order the said New York City Interborough Railway Company having been required on or before January 10, 1908, to elect which of the two courses as set forth in said order it would adopt; and said time within which to elect having been extended to and including the 20th day of January, 1908, by an order, No. 204, made January 14, 1908; and the said New York City Interborough Railway Company having on January 20, 1908, signified in writing its election under Order No. 183, coupled, however, with a request that the terms of said order be modified; and sufficient reason being made to appear:

Ordered, That a rehearing upon the matters contained in said Order No. 183 be held on the 29th day of January, 1908, at 2 o'clock in the afternoon, or at any

time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to determine after such rehearing and after consideration of the facts, including facts arising since the making of the Order No. 183, whether the original Order No. 183 or any part thereof is in any respect unjust or unwarranted, and whether the said Order No. 183 should be abrogated, changed or modified.

And if any such abrogation, changes or modifications are found to be such as ought to be made, then to determine the nature and extent of changes or modification of the said order, and to determine the time of the taking effect of the order as changed and modified.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said Interborough Railway be given at least five days' notice of such rehearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company shall be offered all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid; further

Ordered, That the time of the said New York City Interborough Railway Company to comply with the terms of said Order No. 183 in so far as they require said company to keep and maintain a standing car on its tracks at the One Hundred and Eighty-first street terminal between the hours of 1 a. m. and 6 a. m., for the use of passengers transferring from the subway to its lines at One Hundred and Eighty-first street, be and the same hereby is extended until such time as the Commission shall enter an order upon the rehearing herein provided for.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Eustis to take charge of the hearing.

(13)

Commissioner McCarroll—We took up the matter yesterday with reference to wells on Fourth avenue. It was reported to us that wells were being sunk there under permission of the Borough President of Brooklyn, which would interfere more or less with the construction of the Fourth avenue subway. I move you, Mr. Chairman, that a letter be addressed by the Secretary to the Borough President stating that this fact has been reported to us and representing to him also that the sinking of wells will interfere with the construction of the subway, and should be prohibited."

The motion was duly seconded.

Commissioner Eustis—"I think we ought to go further and ask him to revoke any permits that have already been granted."

Commissioner McCarroll—"I think we had better communicate with him by letter, asking him how the matter stands."

Commissioner Bassett—"In making an amendment to that motion I want to suggest that the Bureau of Water Supply, Gas and Electricity, which is directly under the City administration, has made this arrangement with the well contractor, directing him to put down these wells along the Park slope in Brooklyn, and that Mr. Coler's powers merely extend to permitting it to be done in a certain place, he not having the power to refuse to have it done in some place. In other words, he perhaps might have been compelled by mandamus proceedings if he had not given the permission to do it in some place. Fourth avenue is surely not the right place to do so, because the proposed subway or pipe galleries or stations which are not yet definitely decided upon would make it very inadvisable indeed if test wells or permanent wells should go down anywhere in that avenue. I therefore move the amendment that another letter of the same tenor be sent to the Bureau of Water Supply, Gas and Electricity."

Commissioner McCarroll—"I do not see any objection. My idea was to draw out in more official manner than we had it the information and facts so that we might take the proper steps afterwards."

The Secretary was thereupon directed to send communications, as suggested above, to the Borough President and to the Bureau of Water Supply, Gas and Electricity.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, JANUARY 24, 1908.

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—John E. Eustis, Acting Chairman, Commissioners William McCarroll, Milo R. Maltbie.

(1)

Chairman Willcox was excused because of illness, and, on motion, duly seconded, Commissioner Eustis was elected Acting Chairman.

(2)

2879

The Secretary presented a communication from the State Civil Service Commission transmitting a resolution permitting the employment of John Schroder as Janitor for the Second Division Engineer's office at No. 2630 Broadway, at a compensation not to exceed \$15 per month. The letter was ordered filed.

(3)

2691

The Secretary presented a communication from the Art Commission of The City of New York transmitting the following resolution and returning the exhibits mentioned therein, with the exception of Exhibit 304-C:

CERTIFICATE No. 659.

Resolved, That the Art Commission hereby *disapproves* the designs for the tablets to be placed in the Borough Hall subway station, Brooklyn, represented by Exhibits "304-A," "304-B," "304-C," "304-D," "304-E" and "304-F," of record in this matter; and that the action of the Commission be certified, with return of duplicates of Exhibits herein noted, to Hon. William R. Willcox, Chairman, Public Service Commission for the First District.

The communication was ordered filed.

(4)

3050

The Secretary presented the following communication from Hon. Louis F. Haffen, President of the Borough of The Bronx, which was ordered filed:

NEW YORK, January 21, 1908.

Hon. JOHN E. EUSTIS, *Commissioner, Public Service Commission*, No. 154 Nassau Street, City:

DEAR SIR—While the subject of proceeding at once with the letting of contract for the Broadway and Lafayette avenue sections of the Brooklyn loop route, so-called, is receiving the consideration of the Public Service Commission, I think that new construction of subways for The Bronx should have full consideration. As I have previously shown in communications addressed to the Public Service Commission, a comparatively small amount of money can be expended by the City in the Borough of The Bronx which would result in the extension of existing lines in sections of our Borough where additional transit is absolutely necessary. During the last year I made suggestions to the Public Service Commission to extend existing elevated over Westchester avenue to Pelham Park, over White Plains road to Wakefield and on Jerome avenue to Woodlawn Heights. It seems to me that these extensions, which would cost probably not more than twelve millions of dollars, ought to be provided before any other rapid transit work is undertaken. I understand that the so-called Tri-Borough route, the portion thereof in the Borough of Brooklyn being called the Fourth avenue subway, has been practically authorized and it seems to me under the circumstances that The Bronx ought to be provided for in advance of any further extension in Brooklyn, and if the practice followed in the case of large contracts for public improvements each as obtained at least in this Borough, namely, the spreading of the entire cost over the several years required for the construction, instead of charging it against the year in which the entire contract was authorized, the objection of debt limit might be avoided.

As the representative on the Commission living in The Bronx, I address this communication to you, and would request that you urge these views on your colleagues in the Public Service Commission.

Yours truly,

LOUIS F. HAFFEN,

President of the Borough of The Bronx.

(5)

3070

The Secretary presented an opinion of Counsel in answer to an inquiry addressed to him as to whether The City of New York is at liberty now to use, without first obtaining the consent of any other person, the two tracks now in course of construction, extending along Flatbush avenue, from Flatbush avenue extension to Lafayette avenue, and similarly the two tracks now in course of construction extending along Flatbush avenue, from Fourth avenue to Flatbush avenue extension.

In his opinion the Counsel said:

"On January 24, 1901, the Board of Rapid Transit Railroad Commissioners adopted certain routes and general plan for a rapid transit railroad in The City of New York. These routes and general plan having been subsequently duly approved and consented to, as required by the Rapid Transit Act, the Board, on July 21, 1902, entered into a contract with the Rapid Transit Subway Construction Company for the construction and operation of the railroad. On April 13, 1905, a resolution was adopted by the Board to modify the routes and general plan. So far as material to the question now under discussion, this modification was substantially as follows: That beginning at a point in the Borough of Brooklyn in Joralemon street, opposite the Kings County Court House, near the junction of Joralemon street with Fulton street, and running thence along Fulton street to the end of the route, at or near the intersection of Flatbush avenue with Atlantic avenue, there should be four (4) tracks (instead of two, as provided in the original contract); that these four tracks should be parallel and placed on the same level, except at the following points, where provision was to be made for connections with certain subways or tunnels which were expected to be thereafter constructed and to run as follows: (First) northwesterly under Fulton street to its junction with Joralemon street; (second) northwesterly from Flatbush avenue under the proposed extension of Flatbush avenue towards Manhattan Bridge; (third) northeasterly from Flatbush avenue under Lafayette avenue; and (fourth) southerly from Flatbush avenue under Fourth avenue; that at or near these points one or more additional tracks might be constructed *as a part of the railway therein described*, and that these tracks might be depressed below the remaining tracks as far as might be necessary to avoid grade crossings; and that along that portion of the route lying under Flatbush avenue there might be an additional or fifth track for use as a siding.

Subsequently, on June 9, 1905, the necessary consents and approvals to the modification of the contract having been obtained, the City, acting through the Board, entered into a contract with the Construction Company modifying the original contract substantially as provided in the resolution. This contract of modification provided, among other things, that

In all other respects the provisions of the route and of the general plan of construction set forth in the said contract for construction and operation shall be applicable to the portion of the route hereby substituted.

Thus, not only on principle, but by express terms, all the legal incidents of the original contract attached to the modified contract.

The contract of modification further provided that the amounts of the payments occasioned by the additional work and materials should be determined as provided in chapter 2 of the original contract, so far as such work and materials should be supplied in or about providing connections with subways which might be thereafter built under Fulton street, the proposed extension of Flatbush avenue, Lafayette avenue or Fourth avenue, including in the cost of such connections the

(4)

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NEW YORK, January 21, 1908.

Hon. JOHN E. EUSTIS, *Commissioner, Public Service Commission*, No. 154 Nassau Street, City:

DEAR SIR—While the subject of proceeding at once with the letting of contract for the Broadway and Lafayette avenue sections of the Brooklyn loop route, so-called, is receiving the consideration of the Public Service Commission, I think that new construction of subways for The Bronx should have full consideration. As I have previously shown in communications addressed to the Public Service Commission, a comparatively small amount of money can be expended by the City in the Borough of The Bronx which would result in the extension of existing lines in sections of our Borough where additional transit is absolutely necessary. During the last year I made suggestions to the Public Service Commission to extend existing elevated over Westchester avenue to Pelham Park, over White Plains road to Wakefield and on Jerome avenue to Woodlawn Heights. It seems to me that these extensions, which would cost probably not more than twelve millions of dollars, ought to be provided before any other rapid transit work is undertaken. I understand that the so-called Tri-Borough route, the portion thereof in the Borough of Brooklyn being called the Fourth avenue subway, has been practically authorized and it seems to me under the circumstances that The Bronx ought to be provided for in advance of any further extension in Brooklyn, and if the practice followed in the case of large contracts for public improvements each as obtained at least in this Borough, namely, the spreading of the entire cost over the several years required for the construction, instead of charging it against the year in which the entire contract was authorized, the objection of debt limit might be avoided.

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(5)

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In his opinion the Counsel said:

"On January 24, 1901, the Board of Rapid Transit Railroad Commissioners adopted certain routes and general plan for a rapid transit railroad in The City of New York. These routes and general plan having been subsequently duly approved and consented to, as required by the Rapid Transit Act, the Board, on July 21, 1902, entered into a contract with the Rapid Transit Subway Construction Company for the construction and operation of the railroad. On April 13, 1905, a resolution was adopted by the Board to modify the routes and general plan. So far as material to the question now under discussion, this modification was substantially as follows: That beginning at a point in the Borough of Brooklyn in Joralemon street, opposite the Kings County Court House, near the junction of Joralemon street with Fulton street, and running thence along Fulton street to the end of the route, at or near the intersection of Flatbush avenue with Atlantic avenue, there should be four (4) tracks (instead of two, as provided in the original contract); that these four tracks should be parallel and placed on the same level, except at the following points, where provision was to be made for connections with certain subways or tunnels which were expected to be thereafter constructed and to run as follows: (First) northwesterly under Fulton street to its junction with Joralemon street; (second) northwesterly from Flatbush avenue under the proposed extension of Flatbush avenue towards Manhattan Bridge; (third) northeasterly from Flatbush avenue under Lafayette avenue; and (fourth) southerly from Flatbush avenue under Fourth avenue; that at or near these points one or more additional tracks might be constructed *as a part of the railway therein described*, and that these tracks might be depressed below the remaining tracks as far as might be necessary to avoid grade crossings; and that along that portion of the route lying under Flatbush avenue there might be an additional or fifth track for use as a siding.

Subsequently, on June 9, 1905, the necessary consents and approvals to the modification of the contract having been obtained, the City, acting through the Board, entered into a contract with the Construction Company modifying the original contract substantially as provided in the resolution. This contract of modification provided, among other things, that

In all other respects the provisions of the route and of the general plan of construction set forth in the said contract for construction and operation shall be applicable to the portion of the route hereby substituted.

Thus, not only on principle, but by express terms, all the legal incidents of the original contract attached to the modified contract.

The contract of modification further provided that the amounts of the payments occasioned by the additional work and materials should be determined as provided in chapter 2 of the original contract, so far as such work and materials should be supplied in or about providing connections with subways which might be thereafter built under Fulton street, the proposed extension of Flatbush avenue, Lafayette avenue or Fourth avenue, including in the cost of such connections the

cost of constructing the approaches thereto, but that so far as such work and materials should be supplied in or about any other thing, in the contract of modification provided, then the amounts of the additional payments to be made to the contractor should only be one-half of the amounts determined, as provided under chapter 2 of the original contract.

I do not think that the fact that the construction company undertook to pay a part of the additional cost required by the modification of the original contract has any material bearing on the question presented, except possibly to enlarge the rights of the construction company. That the contract price for the construction of the Brooklyn extension was much less than the actual cost does not change the legal relations of the parties. The City's property rights in the subway are certainly no greater below the Brooklyn Bridge than above it.

The original contract contained this provision:

'The City hereby lets the railroad to the contractor for the term hereinafter mentioned. The railroad hereby leased includes the railway constructed under the routes and general plan thereby prescribed by the resolutions of the Board adopted on the 24th day of January, 1901, together with the terminals, stations and other appurtenances whatsoever of the said railroad, but not including the equipment thereof. *The railroad shall from time to time include any extension or addition required by the Board and constructed by the contractor, as provided in chapter 1.*'

I am of the opinion that the question propounded by the Commission should be answered in the negative, and that the City is not at liberty to use, during the term of the lease to the construction company, without its consent, the tracks referred to in the resolution."

(6)

2723

The Secretary presented an opinion of Counsel in the matter of the claim for damages of Franklin L. Partridge because of the location by the Commission of a column for the elevated portion of the Rapid Transit Railroad on his premises on Broadway at or near the proposed extension of Two Hundred and Thirty-eighth street, stating that there has been a trespass, and that if the City would buy the property for street opening purposes it would relieve this situation. On motion, the letter was referred to Commissioner Eustis.

(7)

2530, 2529, 2601

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service lists:

Name.	Position.	Salary, Per Annum.	To Take Effect.
Isaac A. Hourwich.....	Statistician	\$2,100 00	Feb. 1, 1908
Burdette G. Lewis.....	Statistician	1,800 00	Jan. 25, 1908

Name.	Position.	Salary. Per Annum.	To Take Effect.
Edward F. Hayes.....	Junior Statistician.....	1,200 00	Feb. 1, 1908
Mills E. Case.....	Junior Statistician.....	1,500 00	Jan. 26, 1908
Frank A. Larkin.....	Transit Inspector.....	1,200 00	When he reports
Irving C. Pardee.....	Transit Inspector.....	1,200 00	When he reports
Geo. P. Hammond, Jr.....	Transit Inspector.....	1,200 00	When he reports
John W. Cavanaugh.....	Transit Inspector.....	1,200 00	Jan. 13, 1908
Felix D. Unger.....	Transit Inspector.....	1,200 00	Jan. 9, 1908

Ayes—Commissioners McCarroll, Maltbie, Eustis.

Nays—None.

Carried.

(8)

O-215

The Secretary presented the following:

COMPLAINT ORDER (No. 215).

Frederick Erbe, Henry Saul, Theodore
Blau, Gus. Wernau, Siegfried Frankel,
William S. Waters,

Complainants,

against

The Brooklyn, Queens County and Sub-
urban Railroad Company,
Defendant.

The order of the Commission, being Order No. 215, for satisfaction or answer within ten (10) days, as to fares charged to and from North Beach, was approved, confirmed and ordered filed in the office of the Commission.

(9)

O-216

Commissioner McCarroll presented the following memorandum and final order after rehearing:

Staten Island Railway.

Memorandum in Regard to Order After Rehearing.

The railway company, by its attorney, objected to the clause in the order requiring two automatic bells to be installed at each double track crossing. It also called attention to the misnaming of one street and to the fact that protection was ordered at some crossings which were practically impassable to teams.

In a conference with the counsel for the railway, it appeared that the provision as to placing two automatic bells at every double track crossing had been misunderstood by him. It seems that he had understood the order to require two complete sets of track instruments, whereas the order plainly called for two bells only, to be rung by one set of track instruments. After conferring with Mr. McLimont, electrical engineer, it was decided to change the form of the order, No. 174, section 1, subdivision A, so that instead of calling for two bells at *every double track crossing*, a

provision should be made for two bells at certain named crossings, to be specified after a further complete examination by Mr. McLimont. Six such crossings were named by Mr. McLimont after his further examination of the premises. A further paragraph was inserted in the same subdivision calling for at least one bell at all grade crossings of macadamized roads not guarded by gates or watchmen, and also at certain specified roads that were not macadamized. Seven of these country roads were specified by Mr. McLimont. The object of the changes in this section was to avoid the direction in general terms of certain precautions at "all grade crossings," as it appeared that in that part of Staten Island through which the railway runs there has been a recent real estate development that has resulted in the laying out upon the map of a very great number of roads that are shown in the new 1907 Atlas of Staten Island as opened roads, but which, as a matter of fact, are never used and hardly recognizable as roads. By restricting the order to roads which were macadamized, and to certain additional country roads, the order is made more definite and is restricted to roads actually used.

Subdivision C of the same section has been slightly modified, the result being that on eleven specified crossings the planking is to extend the full width of the driveway and the full distance between the rails. A paragraph is added directing that at all grade crossings of macadamized roads, and at six specified grade crossings of country roads, the planking is to extend the full distance between the rails, but need not extend the full width of the driveway, provided that in all cases it shall be wide enough for two vehicles to pass each other on it with ease. The present order also requires that at all crossings not covered by the two previous subdivisions there shall be at least a guard plank outside of each outer rail, the intervening space to be well packed with macadam, stone, gravel or cinders.

In the recitals of the new order the expression "has been and is unsafe, unreasonable, improper and inadequate" has been changed to read "*is in certain particulars unsafe,*" etc.

Except for unimportant changes in dates upon which the order is to take effect, and certain small changes in the form of the recitals, which are recommended by Counsel, there is no further change in the order.

Submitted with order.

WM. MCCARROLL, Commissioner.

FINAL ORDER AFTER REHEARING (No. 216).

In the Matter
of

The hearing on the motion of the Commission on the question of improvement in and additions to the service and equipment of the Staten Island Railway Company.

Under Order for Rehearing No. 194, made January 10, 1908.

This matter coming on upon the report of the rehearing of Order No. 174, had herein on the 16th day of January, 1908, and it appearing that the said rehearing was

held by and pursuant to an order of this Commission, dated January 10, 1908, and numbered 194, and returnable on the 16th day of January, 1908, and that the said order was duly served upon the Staten Island Railway Company, and that the said service was by it duly acknowledged, and that the said rehearing was held by and before the Commission on the matters in said order for rehearing specified, on January 16, 1908, and by adjournment duly had on January 20, 1908, before Commissioner McCarroll, presiding, Joseph P. Cotton, Esq., appearing for the Staten Island Railway Company, and Arthur DuBois, Esq., for the Commission, and the said Staten Island Railway Company having been afforded reasonable opportunity for presenting evidence and examining and cross-examining witnesses, and having waived its right so to do, and having announced that it had no evidence to offer,

Now, after the proceedings upon said rehearing, and after consideration of the facts, including those arising since the making of the order, the Commission being of opinion that the original order, No. 174, for the improvement in and addition to the equipment and service of the Staten Island Railway Company should be changed and modified in certain particulars,

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the order, No. 174, issued December 27, 1907, and directed to the improvement in and additions to the equipment and service of the Staten Island Railway Company, be and the same is changed and modified to read as follows:

In the Matter
of

The hearing on the motion of the Commission on the question of improvement in and additions to the service and equipment of the Staten Island Railway Company.

Under order for hearing made November 8, 1907, and order for rehearing made January 10, 1908.

This matter coming on upon the report of the hearing had herein on the 22d day of November, 1907, and it appearing that the said hearing was held by and pursuant to an order of this Commission made November 8, 1907, and returnable on the 22d day of November, 1907, and that the said order was duly served upon the Staten Island Railway Company, and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified, on November 22, 1907, before Commissioner McCarroll presiding; Abel E. Blackmar, Esq., appearing for the Commission, Joseph P. Cotton, Esq., appearing for the Staten Island Railway Company, and by adjournment duly had on November 26, 1907, and by adjournment duly had on December 3, 1907, and by adjournment duly had on December 10, 1907, at all of which adjourned sessions Arthur DuBois, Esq., appearing for the Commission, and Joseph P. Cotton, Esq., appearing for the Staten Island Rail-

way Company, Mr. Commissioner Eustis presiding at the hearing of December 3, 1907, and Mr. Commissioner McCarroll presiding at all other adjourned sessions, and proof having been taken at all of said sessions,

Now, the Commission being of the opinion, after the proceedings upon said hearing, that the regulations, practices, equipment, appliances and service of the Staten Island Railway Company in respect to transportation of persons in the First District have been and are in certain particulars unsafe, unreasonable, improper and inadequate, and in the judgment of the Commission certain changes, improvements and additions thereto being such as ought reasonably to be made in the manner below set forth, in order to promote the security or convenience of the public, or of its employees, or in order to secure adequate service and facilities for the transportation of passengers, and it being the judgment of the Commission that the changes, additions and improvements in regulations, equipment, appliances and service of the said company, as below set forth, are such as are just, reasonable, safe, adequate and proper, and ought reasonably to be made to promote the security and convenience of the public and employees,

Therefore, on motion of Abel E. Blackmar, Esq., Counsel to the Commission, it is

I.

Ordered, That the Staten Island Railway Company adopt the following precautions and install, at or near grade crossings, and maintain the following appliances for the better protection of its employees and the public:

(A) BELLS AND SIGNALS.

At the following crossings the company shall provide and maintain two automatic, electrically operated warning bells, one on each side of the track and diagonally opposite to each other, so that both bells at each crossing shall be rung by every train passing that crossing.

Tompkins avenue, Clifton.

Amboy road, near Great Kills.

Amboy road, near Huguenot.

Amboy road, near Pleasant Plains.

Church street, Tottenville.

East Broadway, Tottenville.

At all other grade crossings of macadamized roads not guarded by gates or watchmen, and also at all the grade crossings named below, the company shall maintain at least one electrically operated warning bell so arranged that it shall be rung by every train passing that crossing.

Burgher avenue.

Colfax avenue.

Liberty avenue.

Tysons lane.

Jefferson avenue.

Bridge avenue.

Franklin avenue.

Nothing in this order shall be construed to authorize the removal of any warning bells now in use, and no such warning bells shall be removed unless other bells of equal efficiency be substituted. The company shall test all bells at least once daily,

in the morning, reports of such tests to be regularly made and promptly filed at the principal operating office of the company.

The provisions of this subdivision A to be completed not later than March 15, 1908.

(B) WARNING SIGNS.

At every grade crossing where double tracks occur, warning signs shall be properly located and maintained, one on either side of the track and diagonally opposite each other, and where one track only occurs, one such sign shall be properly located and maintained.

The provisions of this subdivision to be completed not later than February 20, 1908.

(C) PLANKING.

Each of the following crossings shall be planked for the full width between the rails and have one 12-inch guard plank outside of each outer rail. Such planking to extend across the full width of the driveway.

Tompkins avenue.	Amboy road, Great Kills.
Clive avenue.	Annadale road.
Old Town road.	Amboy road, Huguenot.
Colfax avenue.	Amboy road, Pleasant Plains.
Amboy road.	Richmond Valley road.
Church street, Tottenville.	

All other grade crossings of macadamized roads and also all the grade crossings named below shall be planked for the full width between the rails and have one 12-inch guard plank outside of each outer rail. Such planking is to extend across the driveway far enough to allow two vehicles to pass each other on it with ease. The crossing at all times to be maintained in first class condition.

Burgher avenue, Concord.	Bridge avenue.
Liberty avenue.	Jefferson avenue.
Colfax avenue.	Tysons lane.

All other crossings of public highways not planked for the full distance between the rails shall have at least one 12-inch guard plank on each side of all rails for the full width of the driveway, and the space between the guard plank shall be kept evenly graded to the top of the rails and solidly packed with macadam stone or gravel or cinders. The crossing at all times to be maintained in first class condition.

The provisions of this subdivision to be completed not later than April 1, 1908.

(D) GATES.

At the Lincoln avenue crossing in Grant City, a single arm gate or bar shall be installed and a flagman shall be kept on duty at this point to operate it during the months from May 1 to October 1.

The provisions of this subdivision to be completed not later than May 1, 1908.

(E) FLAGMAN.

That a flagman shall be stationed at the grade crossing on Tyrell street, Tottenville, to remain on duty during all hours in which trains are scheduled to cross these streets.

The provisions of this subdivision to be complied with not later than May 1, 1908.

II.

That all trains be so run as to connect with the Municipal ferryboats at St. George.

The provisions of this section to take effect immediately.

III.

SMOKE AND NOISE.

That the Staten Island Railway Company prohibit and take all necessary steps to prevent all unnecessary and unreasonable noises and smoke nuisances from engines or shops which it owns or controls at Clifton, St. George or Tottenville, or at any other point or points where engines run or are allowed to stand.

That all labor on Sunday, by or for the company, be prohibited, excepting the works of necessity and charity. In works of necessity or charity is included whatever is needful during the day for the good order, health or comfort of the community.

The provisions of this section to take effect immediately.

IV.

LAMPS AND LIGHTING.

That the Staten Island Railway Company install, use and keep in good condition a sufficient number of new lamps of the so-called "Belgian" station lamp type, or other suitable lamps of at least equal candle power, similar to the lamp exhibited to the Commission at the hearing, adequately to light the stations and platforms at the following places:

Tottenville.	Great Kills.
Richmond Valley.	New Dorp.
Huguenot.	Grant City.
Annadale.	Dongan Hills.
Pleasant Plains.	Grasmere.

The provisions of this section to be complied with as soon as possible and not later than April 1, 1908.

V.

That the following additions, changes and readjustment of service and time schedules be put in effect without unnecessary delay, but not later than February 15, 1908:

(A) By running a train of not less than three cars to leave Tottenville daily, except on Sundays and holidays, between trains shown as No. 3 and No. 5 on official

time table, dated October 14, 1907, such train to run to St. George, making all stops between Tottenville and Grasmere, except that the stop at Whitlock may be on flag signal, the train to reach St. George in time to connect with the 7.30 boat from Manhattan.

(B) By running an additional train to leave St. George daily, except Sundays and holidays, between trains No. 34 and No. 36, shown on official time table dated October 14, 1907, said train to leave after arrival of Municipal ferryboat leaving Manhattan at 7 p. m. and to make all stops to Tottenville.

(C) By running an additional train to leave St. George after the arrival of the Municipal ferryboat which leaves Manhattan at 12 o'clock midnight and to make all stops, regular or on signal, to Tottenville; and it is further

Ordered, That this order shall continue in force for a period of two years from and after taking effect of the same, but without prejudice to an order for further or additional hearings and action thereon by the Commission, in respect of anything herein prescribed or in respect of anything covered by the order for hearing herein, prior to the expiration of said period of two years; and it is further

Ordered, That before January 28, 1908, the said Staten Island Railway Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Maltbie, Eustis.

Nays—None.

Carried.

(10)

O-217

Commissioner McCarroll presented the following memorandum and final order after rehearing:

Staten Island Rapid Transit Railway Company.

Memorandum in Regard to Order After Rehearing.

The application for rehearing was made in form exactly similar to that in the Staten Island Railway matter. The principal changes made after the rehearing in this matter have been a modification of the terms of the order in regard to bells and signals on the North Shore Division. Mr. McLimont, Electrical Engineer to the Commission, personally examined every crossing on this division and found, I think, that each crossing, with two exceptions, was completely planked and guarded by a flagman. Upon his advice, it appears that owing to the nature of the villages crossed by this railroad, the protection by the flagman was sufficient, and that warning bells would probably be a useless annoyance to the neighboring residents. All the principal crossings were guarded by gates, as well as by a flagman, and for this reason the new order simply specifies additional bells for two crossings, additional signs for nine crossings and double-arm gates for one crossing. The same changes in the recitals and dates of the order have been made as reported in the order on the Staten Island Railway.

Submitted with order.

WM. MCCARROLL, Commissioner.

FINAL ORDER AFTER REHEARING, No. 217.

In the Matter
of

The hearing on the motion of the Commission on the question of improvement in and additions to the service and equipment of the Staten Island Rapid Transit Railway Company.

Under Order for Rehearing No. 195, made January 10, 1908.

This matter coming on upon the report of the rehearing of Order No. 175, had herein on the 16th day of January, 1908, and it appearing that the said rehearing was held by and pursuant to an order of this Commission, dated January 10, 1908, and numbered 195, and returnable on the 16th day of January, 1908, and that the said order was duly served upon the Staten Island Rapid Transit Railway Company, and that the said service was by it duly acknowledged, and that the said rehearing was held by and before the Commission on the matters in said order for rehearing specified on January 16, 1908, and by adjournment duly had on January 20, 1908, before Commissioner McCarroll, presiding; Joseph P. Cotton, Esq., appearing for the Staten Island Rapid Transit Railway Company, and Arthur DuBois, Esq., for the Commission, and the said Staten Island Rapid Transit Railway Company having been afforded reasonable opportunity for presenting evidence and examining and cross-examining witnesses, and having waived its right so to do, and having announced that it had no evidence to offer,

Now, after the proceedings upon said rehearing, and after consideration of the facts, including those arising since the making of the order, the Commission being of opinion that the original order, No. 175, for the improvement in and addition to the equipment and service of the Staten Island Rapid Transit Railway Company should be changed and modified in certain particulars,

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the order, No. 175, issued December 27, 1907, and directed to the improvement in and additions to the equipment and service of the Staten Island Rapid Transit Railway Company, be and the same is changed and modified to read as follows:

In the Matter
of

The hearing on the motion of the Commission on the question of improvement in and additions to the service and equipment of the Staten Island Rapid Transit Railway Company.

Under order for hearing made November 8, 1907, and order for rehearing made January 10, 1908.

This matter coming on upon the report of the hearing had herein on the 22d day of November, 1907, and it appearing that the said hearing was held by and pursuant to an order of this Commission, made November 8, 1907, and returnable on the 22d day of November, 1907, and that the said order was duly served upon the Staten Island

Rapid Transit Railway Company, and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on November 22, 1907, before Commissioner McCarroll, presiding; Abel E. Blackmar, Esq., appearing for the Commission; Joseph P. Cotton, Esq., appearing for the Staten Island Rapid Transit Railway Company, and by adjournment duly had on November 26, 1907, and by adjournment duly had on December 3, 1907, and by adjournment duly had on December 10, 1907, at all of which adjourned sessions Arthur DuBois, Esq., appearing for the Commission, and Joseph P. Cotton, Esq., appearing for the railways, Mr. Commissioner Eustis presiding at the session of December 3, 1907, and Mr. Commissioner McCarroll presiding at all other adjourned sessions, and proof having been taken at all of said sessions,

Now, the Commission being of the opinion, after the proceedings upon said hearing, that the regulations, practices, equipment, appliances and service of the Staten Island Rapid Transit Railway Company in respect to transportation of persons in the First District have been and are in certain particulars unsafe, unreasonable, improper and inadequate, and in the judgment of the Commission certain changes, improvements and additions thereto being such as ought reasonably to be made, in the manner below set forth, in order to promote the security or convenience of the public, or of its employees, or in order to secure adequate service and facilities for the transportation of passengers, and it being the judgment of the Commission that the changes, additions and improvements in regulations, equipment, appliances and service of the said company, as below set forth, are such as are just, reasonable, safe, adequate and proper, and ought reasonably to be made to promote the security and convenience of the public and employees,

Therefore, on motion of Abel E. Blackmar, Esq., Counsel to the Commission, it is

Ordered (1), That the Staten Island Rapid Transit Railway Company adopt the following precautions and install and maintain the following appliances for the better protection of its employees and the public:

(A) BELLS AND SIGNALS.

That the company provide and maintain at least one electrically operated warning bell at the grade crossing on the North Shore Division, at Morning Star road and at Central avenue.

The provisions of this subdivision to be complied with not later than March 15, 1908.

(B) WARNING SIGNS.

At Snug Harbor, a suitable sign to be installed, warning the engineer of trains approaching in either direction of the crossing to the coal dock and freight platform of Sailors' Snug Harbor, at

Broadway,

Sharpe avenue,

Maple avenue,

John street,

Elm street,

—suitable street crossing signs.

At Nicholas street, signs for both sides of the track, the sign now in place to be repaired.

Maple avenue, St. Marys avenue,
—suitable street crossing signs.

Chestnut avenue, sign to be put in good repair.

The provisions of this subdivision to be complied with not later than February 20, 1908.

(C) GATES.

That the Staten Island Rapid Transit Railway Company install, maintain and operate at all regular hours of traffic over the company's tracks, suitable double arm gates at the Broadway crossing, Port Richmond.

The provisions of this subdivision to be complied with not later than March 15, 1908.

(D) LAMPS AND LIGHTING.

That the Staten Island Rapid Transit Railway Company install, maintain and use new lamps of the so-called "Belgian" station lamp type or other suitable lamp of at least equal candle power to the lamp produced by the Staten Island Rapid Transit Railway Company at the hearing before the Commission, in sufficient numbers adequately to light the stations and platforms at

New Brighton,	Port Richmond,
Snug Harbor,	Elm Park,
Livingston,	Tompkinsville,
West New Brighton,	Stapleton.

The provisions of this subdivision to be complied with not later than February 15, 1908.

2. That all passenger cars used by the Staten Island Rapid Transit Railway Company be adequately lighted.

The provisions of this subdivision to take effect at once.

3. TRAIN SCHEDULES.

That all trains operated by the Staten Island Rapid Transit Railway Company, either on the North Shore or South Shore divisions, connect at St. George with boats of the Municipal Ferry.

The provisions of this section to take effect not later than January 25, 1908.

4. SMOKE AND NOISE.

That the Staten Island Rapid Transit Railway Company prohibit and take all necessary steps to prevent all unnecessary and unreasonable noises and smoke nuisances from engines or shops which it owns or controls at Clifton and St. George, or at any other point or points where engines run or are allowed to stand.

That all labor on Sunday, by or for the company, be prohibited, excepting the works of necessity and charity. In works of necessity or charity is included whatever is needful during the day for the good order, health or comfort of the community.

The provisions of this section to take effect immediately.

And it is further

Ordered, That this order shall continue in force for a period of two years from and after taking effect of the same, but without prejudice to an order for further or additional hearings and action thereon by the Commission, in respect of anything herein prescribed or in respect of anything covered by the order for hearing herein, prior to expiration of said period of two years. And it is further

Ordered, That before January 28, 1908, the said Staten Island Rapid Transit Railway Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Maltbie, Eustis.

Nays—None.

Carried.

(11)

1841

With reference to the complaint heretofore filed with the Commission against the New York City Railway Company as to why it should not order the rear inside gates of their cars opened, on Broadway, between Fifty-ninth and Manhattan streets, the following communication withdrawing the said complaint was submitted, and, on motion, ordered filed and the receivers of the said company notified of the withdrawal of the said complaint:

THE WEST END ASSOCIATION, }
No. 100 BROADWAY, }
January 21, 1908. }

MIL0 R. MALTBI0, Esq., *Public Service Commissioner*, No. 154 Nassau Street, City:

DEAR SIR—Replying to your favor of 20th inst. regarding the ordinance providing for the opening of the inside gates on the Broadway cars, I beg to say that the Railroad Committee of this association has been instructed to withdraw the matter from your Commission and to test the question through an action to be brought by the Corporation Counsel to recover the penalties mentioned in the ordinance. I enclose a copy of resolution to that end adopted by the association on the 6th inst.

Yours truly,

A. WALKER OTIS,
Chairman Railroad Committee, No. 60 Wall street.

(12)

O-176

The Secretary presented a communication from the High Bridge Taxpayers' Alliance transmitting a resolution protesting against a recent order of the Commission requiring all Ogden avenue cars of the New York City Interborough Railway Company to continue up Aqueduct avenue instead of crossing Washington Bridge, and requesting the Commission to issue an order providing for an adequate service of through cars over the Ogden avenue line to the One Hundred and Eighty-first street station of the subway. The communication was referred to Commissioner Eustis.

(13)

3066

The Secretary presented a communication from the Prospect Heights Citizens' Association of Brooklyn transmitting a resolution approving the plans of the Commission for the construction of a subway from the Manhattan Bridge through Canal street to the North River. The papers were ordered filed.

(14)

2092, 2093

Commissioner Maltbie—"Inasmuch as the Chief Engineer has made rapid progress on the modifications of the contracts for the so-called Bridge-Subway Loop, and inasmuch as these modifications have already been approved by this Commission, I move that Counsel, with the Chief Engineer, be directed to prepare the modified contracts for approval by this Commission and signature by the contractors."

The motion was duly seconded.

Ayes—Commissioners McCarroll, Maltbie, Eustis.

Nays—None.

Carried.

(15)

O-218

ORDER FOR ANSWER (No. 218).

On motion, duly seconded, it was

Resolved, That the Interborough Rapid Transit Company be required to inform this Commission in one week from the receipt of this resolution as to the present condition of the changes at the One Hundred and Thirty-eighth and One Hundred and Forty-ninth street stations of the Third avenue elevated, heretofore authorized, and to give the earliest probable date when such changes will be completed.

Ayes—Commissioners McCarroll, Maltbie, Eustis.

Nays—None.

Carried.

(16)

The Secretary presented the following vouchers, the bills of which had been duly approved by Commissioner McCarroll, Committee on Audit for January, whereupon, on motion, duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of The City of New York for payment:

No.	Name.	Services and Material.	Amount.
539.	R. B. Arkin & Co.....	Stationery supplies, as per bill of December 24, 1907.....	\$52 50
540.	E. J. Brooks & Co.....	Inspectors' badges, as per bill of December 14, 1907.....	12 50
541.	Bureau of Charities Wood Yard..	Kindling wood, as per bill of December 16, 1907.....	4 75
542.	Alvah Bushnell Company.....	Stationery supplies, as per bill of December 19, 1907.....	8 50

No.	Name.	Services and Material.	Amount.
543.	Dixie Book Shop.....	Books and publications, as per bill of December 27, 1907.....	100 25
544.	Everson & Reed.....	Wax seals, as per bill of December 30, 1907..	87 50
545.	Law Reporting Company.....	Typewriting, stenographic work and stationery supplies, as per bills of December 19, 1907 (3), and December 30, 1907.....	1,048 25
546.	Lawyers' Co-operative Publishing Company.....	Law books, as per bill of December 28, 1907..	571 00
547.	Library Bureau.....	Furniture and stationery, as per bills of November 21, 1907, and December 6 and 16, 1907.....	109 70
548.	New York Blue Print Paper Company.....	Blue prints, as per bill of December 1, 1907..	55 59
549.	M. A. O'Connor.....	Postage and stationery, as per bill of December 12, 1907.....	62 50
550.	E. G. Ruehle & Co.....	Blue prints, as per bill of December 1, 1907...	3 24
551.	Schneider Brothers.....	Repairing two Sling psychrometers, as per bill of December 16, 1907.....	5 70
552.	G. E. Stechert & Co.....	Books and publications, as per bills of December 20, 26 and 31, 1907.....	41 12
553.	Florence E. Tallmadge.....	Copying cards for index, as per bill of December 23, 1907.....	8 40
554.	The Twinlock Company.....	Stationery supplies, as per bills of December 16 and 30, 1907.....	30 00
555.	Benj. H. Tyrrel.....	Printing copies of briefs, as per bills of December 15 and 30, 1907.....	324 80
582.	George J. Adams.....	Appraisal of machinery, as per bill of December 23, 1907.....	50 00
583.	H. Anderson.....	Installing drop lights at No. 88 Centre street, as per bill of January 7, 1908.....	26 00
584.	American Ice Company.....	Ice furnished, as per bills of December 2 to 31, 1907 (No. 4 Court square and No. 323 Schermerhorn street).....	3 83
585.	William T. Baker.....	Candles, as per bill of January 4, 1908.....	15 00
586.	Baker, Voorhis & Co.....	Stationery supplies, as per bill of December 24, 1907.....	4 00
587.	The Beck Duplicator Company...	Stationery supplies, as per bill of January 11, 1908.....	8 50
588.	Martin B. Brown Company.....	Postage and printing, as per bills (6) of January 11, 1908.....	226 50
589.	Buff & Buff Manufacturing Company.....	Engineering supplies and repairs, as per bills of December 16 and 18, 1907.....	45 15
590.	Empire City Savings Bank.....	Rent, second floor of No. 231 West One Hundred and Twenty-fifth street and one room at No. 219 West One Hundred and Twenty-fifth street, as per bill of January, 1908.....	83 33
591.	F. F. Fuhrmann.....	Rubber stamps, as per bill of January 8, 1908..	6 50
592.	Globe-Wernicke Company.....	Furniture, as per bill of December 31, 1907...	26 50
593.	The Gramercy Press.....	Lithographed plates of maps, as per bill of November 30, 1907.....	426 15
594.	The Hall's Safe Company.....	Safe, as per bill of November 15, 1907.....	175 00
602.	E. Belcher Hyde.....	Maps, as per bill of January 13, 1908.....	8 25
603.	Ideal Ventilator Company.....	Ventilators, as per bill of January 15, 1908....	38 50
604.	Koller & Smith.....	Furniture, as per bill of January 6, 1908.....	18 00
605.	Keuffel & Esser Company.....	Engineering supplies, as per bills of January 3 (2), 6 and 7 (2), 10 (3), 11 and 13, 1908..	292 32
606.	Library of Congress.....	Printed cards, as per bill of January 11, 1908..	7 40
607.	New York Improved Meter Company.....	Testing meters, including use of testing bottle, as per bill of December 14, 1907.....	3 35
608.	Law Reporting Company.....	Printed copies of Stenographers' minutes, as per bill of January 9, 1908.....	131 13

No.	Name.	Services and Material.	Amount.
609.	New York Blue Print Paper Company	Blue prints, as per bills of January 2 and 14, 1908.....	37 98
610.	The Pullman Automatic Ventilator Manufacturing Company.....	Ventilating boards, as per bill of January 11, 1908.....	62 00
611.	Francis H. & Angeline W. Robinson	Rent of rooms 707 to 713, Nos. 120 to 124 Liberty street, as per bill for January, 1908....	220 84
612.	Union Towel Supply Company...	Towel service, as per bills of December 31, 1907 (3).....	20 44

Ayes—Commissioners McCarroll, Maltbie, Eustis.

Nays—None.

Carried.

(17)

1265

The Secretary presented the following requisition of John B. McDonald, together with the certificate of the Chief Engineer approving same, as approved by the Committee on Audit:

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY, }
 NOS. 13 TO 21 PARK ROW. }
 NEW YORK, January 18, 1908. }

Requisition No. 11, Van Cortlandt Park Extension—For work done and materials furnished under contract dated February 21, 1900, for the construction and operation of the Rapid Transit Railroad of The City of New York, to 31st day of December, 1908, as follows:

Total to date.....	\$732,443 50
Less previous requisitions.....	724,333 00
Balance due.....	<u>\$8,110 00</u>

JOHN B. McDONALD, Contractor.

By AUGUST BELMONT, Attorneys.

Certificate No. 11, Van Cortlandt Park Extension—I hereby certify that the work done and materials furnished under contract dated February 21, 1900, for the construction and operation of the Rapid Transit Railroad of The City of New York, for which Requisition No. 11, V. C. P. of date January 18, 1908, is made by John B. McDonald, the Contractor, has been done and furnished in accordance with the terms of the contract to the value of eight thousand one hundred and ten dollars (\$8,110), that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved, and duly seconded:

Whereas, The Contractor, John B. McDonald, has made requisition on this Commission, numbered No. 11, and dated January 18, 1908, for work done and materials furnished under contract dated February 21, 1900, for the construction and operation of the Rapid Transit Railroad of The City of New York, to the 31st day of December, 1908, amounting to eight thousand one hundred and ten dollars (\$8,110); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners McCarroll, Maltbie, Eustis.

Nays—None.

Carried.

(18)

2742

On motion, duly seconded, it was

Resolved, That the following exempt appointment be made:

Name.	Position.	Salary, Per Annum.	To Take Effect.
Louis D. Fouquet.....	Division Engineer.....	\$3,000 00	Jan. 1, 1908

Ayes—Commissioners McCarroll, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, JANUARY 28, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Commissioner Edward M. Bassett, Acting Chairman, Commissioners William McCarroll, Milo R. Maltbie, John E. Eustis.

(1)

Chairman Willcox was excused because of absence on business of the Commission, and, on motion, duly seconded, Commissioner Bassett was elected Acting Chairman.

(2)

On motion, the record of the proceedings of the Commission for January 17 and 21, as printed in the CITY RECORD for January 24, and of the proceedings of January 24, as printed in the CITY RECORD for January 28, was approved.

(3) •

2090

The Secretary presented a communication from the Secretary of the Board of Estimate and Apportionment, transmitting a report of its Chief Engineer as to modifications in the plans for the Manhattan portion of the Brooklyn loop, as submitted by this Commission. The report was ordered filed and was as follows:

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
January 21, 1908. }

Hon. GEORGE B. McCLELLAN, Mayor, and Chairman of the Board of Estimate and Apportionment:

SIR—At the meeting of the Board of Estimate and Apportionment held on January 10, there was presented a communication from Hon. W. R. Willcox, Chairman of the Public Service Commission for the First District, advising the Board that the Commission had under consideration the advisability of some modifications of the plans for that portion of the subway loop now under construction in the Borough of

Manhattan, and stating that the suggestions contained in this letter were presented to the Board for its consideration while the Commission was engaged in further study, and the preparation of revised plans and estimates. The communication was referred to the Chief Engineer of the Board for consideration and report.

The suggestions contained in the communication from the Public Service Commission have been the subject of a number of conferences with the Chief Engineer of the Commission. In the preparation of plans for the Fourth avenue subway in the Borough of Brooklyn, the Commission and its Engineer were impressed with the fact that if the subway were built of the same dimensions as the present subway it would be impossible to run through it the standard cars of railway companies operating suburban lines, which companies might be logical bidders for the operation of a new line, and that such a limitation in size might restrict the availability of the new subway and lessen the chance of a favorable contract for operating it. Inasmuch as the loop between the Brooklyn, Manhattan and Williamsburg bridges now under construction in the Borough of Manhattan might naturally be operated in conjunction with the Fourth avenue subway, it was apparent that any modification in the plans of the latter, permitting its use by standard cars, should also be made in the section now under contract. At the same time it appears that a study has been made to reduce the grades wherever possible.

The contract plan for the Centre and Delancey streets line provided for a four-track line, which, for the greater part of the distance in Centre street is on two levels, and in passing from one level to another, grades varying from 2.5 per cent. to 5.5 per cent. are employed, while the use of two different levels involves a large amount of excavation below tide, this depth of excavation being still further increased by the inclusion in the present contract of pipe galleries placed over the roof of the proposed subway. The suggested modifications consist of:

First—Placing all of the four tracks at the same level, thereby lessening the grades and reducing the amount of excavation.

Second—Substitution of one station at Canal street for the two stations, one of which is between Leonard and Franklin streets, and the other between Howard and Grand streets.

Third—The omission of pipe galleries, permitting a further raising of the level of the subway and reduction in the amount of difficult and expensive excavation below tide level.

The location of one station at Canal street instead of the two stations now planned, which are very near together, would seem advantageous in view of the fact that it is proposed to build a crosstown line through Canal street, passing under the Centre street tracks, to which passengers could transfer at the proposed new station. The elimination of heavy grades, especially in approaching and leaving stations, should result in greater safety and speed with less power and time and a corresponding increase in capacity. The estimate of the Chief Engineer of the Public Service Commission of this increase in capacity and efficiency shows a minimum of 25 per cent.

The only change in the dimensions of the subway are an increase of one foot in clear height above top of rail, making it 14 feet 6 inches, instead of 13 feet 6 inches, as now proposed, and as in the subway now in operation.

I understand that the suggestion of dispensing with the pipe galleries is made by the Public Service Commission with some hesitancy, owing to the belief that the Board of Estimate and Apportionment and the general public are strongly in favor of the building of such galleries in connection with the construction of rapid transit subways. When bids were received for the work now under contract they were taken separately, with and without pipe galleries, the difference between the bids being \$772,340. It is quite evident that this does not represent the cost of building such galleries under normal conditions, but that it includes the cost of their construction and in addition to that the increased cost of building the subway, owing to the fact that the pipe galleries being placed over the roof of the subway force the entire structure deeper into the earth and further below tide level. It is estimated that the same length of pipe galleries which is approximately one mile, could be built in other streets independently of subway construction for some \$300,000, or one-half the cost under the present contract. These pipe galleries are not designed to accommodate electric conductors, but the Commission suggests that if the galleries are omitted at least along Centre street, they can subsequently make a contract for ducts for electric conductors at an expense not to exceed \$60,000.

These changes have been discussed with the three different contractors now employed on the subway between the Brooklyn and Williamsburg bridges, and they have agreed to a reduction in their contract price aggregating \$924,000 in case the pipe galleries are omitted, and \$365,000 if these galleries are to be built. They have also made a concession as to their contract time, reducing it from three to five months. Whether or not the proposed modifications will constitute such changes of the authorized plans as will require a public hearing, I am unable to state until the detail plans have been submitted, but such a procedure may not be necessary as the plans which have been formerly approved by the Board did not specify the depth of the proposed tracks and did not indicate the location of the stations.

After a careful study of the plans of the Public Service Commission, so far as they have progressed, I am of the opinion that the proposed modifications are wise, being in the interest of increased capacity and speed, economy of cost and decrease in the time needed for construction, and I therefore believe, that, if the plans finally submitted by the Public Service Commission to the Board of Estimate and Apportionment are on the lines which have been discussed, the Board can advantageously approve them and consent to the modifications of the contracts. In doing this it is assumed that the Board would in no way recede from the position already assumed by it as to the great desirability of the construction of pipe galleries to minimize or avoid the disturbance of pavements, but would approve the omission of pipe galleries in connection with the subway for the reason that the amount required for

their construction in this connection would suffice to build at least double their length under other conditions.

Respectfully,

(Signed) NELSON P. LEWIS, Chief Engineer.

(4)

2125

The Secretary presented the following communication from Nelson P. Lewis, Chief Engineer of the Board of Estimate and Apportionment, regarding the vesting in the City of title to the land within the lines of Westchester avenue, between Main street and Eastern boulevard, which was ordered filed:

January 24, 1908.

Hon. W. R. WILLCOX, Chairman, Public Service Commission for the First District, New York City:

DEAR SIR—I have received a number of letters from civic organizations and from citizens of the Borough of The Bronx, urging the Board of Estimate and Apportionment to immediately provide for the vesting in the City of title to the land within the lines of Westchester avenue, between Main street and Eastern boulevard. These letters all urge such action in order to clear the way for the building of a Rapid Transit Railroad on this street, and they appear to be under the impression that the Public Service Commission can take no action towards the authorization of such a route until title has been vested in the City.

I have replied to these requests by stating that, if it were possible for your Commission to initiate so great an undertaking, there need be no occasion for delay on account of lack of title, for the opening proceedings have reached such a stage that title can be vested in the City at any time, but the Board of Estimate and Apportionment has consistently declined to adopt resolutions providing for such vesting of title until the street is needed for actual physical construction. You are probably aware of these conditions, but I venture to advise you of the numerous requests which have been presented to the Board of Estimate and Apportionment.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

(5)

3013

The Secretary presented the following letter from John H. O'Brien, Commissioner of the Department of Water Supply, Gas and Electricity, which was ordered filed:

January 23, 1908.

Mr. TRAVIS H. WHITNEY, Secretary, Public Service Commission, No. 154 Nassau Street, New York City:

SIR—Referring to your letter of the 22d inst., in connection with the sinking of wells on Fourth avenue, Borough of Brooklyn, in the line of the proposed subway extension, I have instructed Deputy Commissioner Cozier of the Borough of Brooklyn, with his engineer, and Silas W. Titus, the contractor now engaged on this work, to call

upon Engineer Seaman, of your Commission, and explain to him the exact conditions in relation to the sinking of wells and other improvements contemplated by the contractor at the above location.

Respectfully,

JOHN H. O'BRIEN, Commissioner.

(6)

On motion, duly seconded, it was

Resolved, That William E. Davies be retained to appraise certain properties along subway lines.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nay—None.

Carried.

(7)

2927

On motion, duly seconded, it was

Resolved, That the following appointments be made from a certified Civil Service list:

Name.	Position.	Salary.	To Take Effect.
Gertrude S. Mayo.....	Stenographer.....	\$75 per month	February 1, 1908
Susan Adler	Stenographer.....	75 per month	February 1, 1908
Hannah Gottfried	Stenographer.....	75 per month	February 1, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

2620

The Secretary presented the following letter from the Chief Engineer:

NEW YORK, January 24, 1908.

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—I beg to recommend to you that the title of Mr. G. L. Lucas, Inspector of Steel, be changed to that of Assistant Engineer. Mr. Lucas has passed the examination required by the Board of Civil Service Commissioners to acquire the title.

Very truly yours,

HENRY B. SEAMAN, Chief Engineer.

On motion, duly seconded, it was thereupon

Resolved, That the title of George L. Lucas be changed from Inspector of Steel to Assistant Engineer.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

- (9) O-219
 Commissioner Bassett presented the following order for dismissal, and it was moved, and duly seconded, that the same be adopted by the Commission:

DISMISSAL ORDER (No. 219).

Robert E. Anthony,
 Complainant,

vs.

Coney Island and Brooklyn Railroad Com-
 pany,
 Defendant.

An order, No. 143, having been made herein on December 9, 1907, by which the Coney Island and Brooklyn Railroad Company was required to make answer to the complaint herein within ten days from the service upon it of said order, and an answer having been received from said company on December 21, 1907, by which it appears that said company is not the owner of the frogs, switches and curves mentioned in said complaint,

It is

Ordered, That the said complaint be and the same hereby is dismissed and that this order be filed in the office of the Commission.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

- (10) O-220
 The Secretary presented the following:

COMPLAINT ORDER (No. 220).

Robert E. Anthony,
 Complainant,

vs.

Brooklyn Heights Railroad Company,
 Defendant.

The order of the Commission, being Order No. 220, for satisfaction or answer within ten (10) days, as to repairs to track and switch at Main and Prospect street, and at Main and Fulton streets, was approved, confirmed and ordered filed in the office of the Commission.

- (11) O-209
 The Secretary presented the following communication from E. P. Bryan, president of the Interborough Rapid Transit Company, upon Order No. 209, which was ordered filed:

NEW YORK, January 23, 1908.

Mr. TRAVIS H. WHITNEY, *Secretary, Public Service Commission, First District,*
 Tribune Building, New York:

DEAR SIR—Replying to the request of the Commission for information in regard to progress being made in building additional stairway at Cortlandt and Greenwich

streets, and referring to my letter of November 30, detailed plans have been completed and sent out to the trade inviting bids, which we expect within the next few days. As soon as they have been received, the contract will be awarded and the work rushed to completion with all possible diligence.

Very truly yours,

E. P. BRYAN, President.

(12)

C-1185

The Secretary presented the following communication from Leslie Sutherland, Receiver of the Yonkers Railroad Company, regarding the complaint of A. S. Plowman against the Union Railroad Company as to cars not stopping when signalled to do so. The letter was ordered filed.

YONKERS, N. Y., January 25, 1908.

MR. TRAVIS H. WHITNEY, *Secretary, Public Service Commission, First District,*
Tribune Building, New York City, N. Y.:

DEAR SIR—The Union Railroad Company has forwarded to me your letter of the 22d inst., referring to a letter of yours dated the 6th inst., and also inclosing a copy of a complaint dated January 4, signed by A. S. Plowman, of Two Hundred and Fifty-second street and Broadway. These matters have been referred to me as Receiver of the Yonkers Railroad Company, and I have made such investigation as I am able to in reference to the matter.

I am informed by the Superintendent of the company that the matter complained of by Mr. Plowman is of rare occurrence and it has been the effort of the company to maintain a uniform and regular service adequate to the needs of the traveling public. When, however, a car has become blocked for any reason and is overcrowded, occasionally the motorman will not stop on the signal of a passenger on the street. This is done to fill up the gap and resume the regularity of the service, and to prevent undue crowding.

I am informed that these occurrences are not due to any defect in the organization of the company and are isolated in their character. I am making every effort to examine thoroughly into the organization of the company and remedy any defects where I can find them. I am inclined to think, however, that it would be hardly profitable, under the circumstances, to make any further investigation as to this complaint.

I am giving the affairs of the company my personal attention, and I am endeavoring in every way to give the public as good service as possible and shall co-operate with your Commission in every way that I possibly can.

Very truly yours,

LESLIE SUTHERLAND, Receiver.

(13)

3050, 1373

The Secretary presented a communication from the United Civic Associations of the Borough of Queens, transmitting resolutions to the effect that the City should own the Belmont tunnel, which should become a component part of the general transit system of the City, should be extended to the North River and should be leased; that crosstown subways should be constructed under Thirty-fourth and Fifty-ninth streets; that these three crosstown lines should be connected with all intersecting transit lines and with each other; and that all should connect with a subway system through Queens.

The papers were referred to Commissioner Maltbie.

(14)

2139

The Secretary presented a communication from the Brooklyn Board of Real Estate Brokers, transmitting resolutions urging the desirability and the necessity of the immediate construction of the Lafayette avenue-Broadway (Brooklyn) subway loop, and calling a mass meeting for the discussion of the subject.

The communication was referred to Commissioner Bassett.

(15)

2139

The Secretary presented a communication from the Brooklyn League, advocating the immediate construction of the Lafayette avenue and Broadway subway, the Pineapple street tunnel, to be connected with the subway loop and the Flatbush avenue extension, and calling for through trains by the Fourth avenue subway from Coney Island to The Bronx.

The papers were referred to Commissioner Bassett.

(16)

2919

The Secretary presented a communication from the Blackwell's Island Bridge Protective Association, approving of the plans for the Lexington avenue subway, and requesting an express station at Fifty-ninth street, because of the crosstown subway planned by the Rapid Transit Railroad Commissioners, and expected to be built on that street, which would connect all intersecting lines, and because of the great demand for transportation at this point.

The letter was ordered filed.

(17)

3053

The Secretary presented a communication from A. Wiggers, stating that he had secured 264 consents of the owners of over 350 parcels of property abutting on the First avenue subway route, which he would deliver to the Commission upon notice to do so, and that he believed it possible to obtain the consents of a majority of property owners in First avenue, but not in the portion of the route further downtown, and suggesting that the Court of Appeals be requested to grant any deviation which the Commission might propose in Route No. 1.

The communication was ordered filed.

(18)

2184

The Secretary presented a communication from the Prospect Heights Citizens' Association referring to their suggestion previously made as to the Prospect Park-Flatbush subway being made a branch of the Fourth avenue line, stating that Route 12-D contemplated such a connection, and suggesting that Flatbush trains should be used only for through traffic, and that transfers be given to the Fourth avenue line, the Lafayette avenue loop and other lines to be controlled by the City.

The letter was referred to Commissioner McCarroll.

(19)

2139

The Secretary presented a communication from the Allied Boards of Trade and Taxpayers' Association, of 2,300 members, advocating the immediate construction of the Lafayette avenue and Broadway (Brooklyn) subway, and stating its advantages, the facility with which it can be built and the sentiment in favor of it.

The letter was referred to Commissioner Bassett.

(20)

O-136A

The Secretary presented the following order for answer, and it was moved and duly seconded that the same be adopted by the Commission:

ORDER FOR ANSWER (No. 136-A).

In the Matter
of

Information with respect to stockholding
of railroad corporations, street railroad
corporations and common carriers in
the First District.

Resolved:

First—That every railroad corporation, street railroad corporation, common carrier and every stock corporation holding any shares of the capital stock of any railroad corporation, street railroad corporation or common carrier, be and they hereby are severally required to file with the Secretary of the Public Service Commission for the First District, at its office, No. 154 Nassau street, Borough of Manhattan, New York City, within fifteen days from the date of service of this order, specific answers, verified by an oath of an officer of each such corporation, to the following question which is hereby now addressed to each of them, to wit:

Give the name of every railroad corporation, street railroad corporation or common carrier organized or existing under the laws of the State of New York, of which, on July 1, 1907, you held any shares of the capital stock; the number of shares of capital stock then so held by you, and the par value of each such share.

Second—That every railroad corporation, street railroad corporation and common carrier organized or existing under or by virtue of the laws of the State of New York, be and they hereby are severally required to file with the said Secretary, at said office, within said time, specific answers, verified by an oath of an officer of each such

corporation, to the following question which is hereby now addressed to each of them, to wit:

Give the name of every stock corporation, railroad corporation, street railroad corporation or common carrier, which, on July 1, 1907, held any shares of your capital stock either as legal or as beneficial owner; the number of such shares then held by it, and the par value of each such share.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

2911

The Secretary presented an application of the New York Connecting Railroad Company, for an extension of time within which to obtain the consents of property owners upon its route, which, on motion, was referred to the Committee of the Whole. The application was as follows:

THE NEW YORK CONNECTING RAILROAD COMPANY, }
No. 128 BROADWAY, NEW YORK CITY, }
January 22, 1908.

Before the Public Service Commission for the First District.

In the Matter
of

The application of the New York Connecting Railroad Company for an extension of time under the certificate granted to it by the Board of Rapid Transit Railroad Commissioners for The City of New York, bearing date February 14, 1907.

To the Public Service Commission for the First District:

The New York Connecting Railroad Company (hereinafter called the railroad company), a railroad corporation duly organized and existing under the laws of the State of New York, respectfully submits to your Honorable Commission its application for a written certificate extending its time to obtain the consents, to the construction and operation of its railroad, of the owners of one-half in value of the property bounded on the portions of streets over or under which the said railroad, or any part of the route thereof, runs; or in lieu of such consents, the determination of Commissioners to be appointed by the Appellate Division of the Supreme Court that such railroad ought to be constructed and operated duly confirmed by such Appellate Division.

1. The Board of Rapid Transit Railroad Commissioners for The City of New York (hereinafter called the Rapid Transit Board), by certificate dated the 14th day of February, 1907, authorized the railroad company to lay down, construct and operate a certain connecting railroad or railroads in said City, in manner and subject to the terms, conditions and requirements in said certificate prescribed. The said certificate was duly executed by the Board and delivered by it to the railroad company, and on

the 28th day of February, 1907, it was duly accepted by the railroad company, together with the franchise, and all the terms, conditions and requirements thereof, by an instrument in writing, duly subscribed at the foot of said certificate. The said certificate and the grant and franchise therein contained, were duly approved by the Board of Estimate and Apportionment of the said City, as required by section 32 of the Rapid Transit Act (Laws of 1891, chapter 4, as amended, by Laws of 1906, chapter 606) by resolution duly adopted by that Board on February 15, 1907.

The said Board of Estimate and Apportionment, being the local authority having the control of the streets across and over or under which the proposed railroad is to be constructed, by resolution duly adopted on the 8th day of March, 1907, a day within six calendar months after February 28, 1907, the time of the delivery to the Board of the acceptance of the said certificate, did approve the said certificate and the franchise and grant therein contained, and did consent to the construction of the railroad or railroads in accordance therewith, which resolution on March 14, 1907, was duly approved by the Mayor of the City.

One of the originals of the said certificate was on March 25, 1907, duly filed in the office of the Secretary of State, as required by section 32 of the said Rapid Transit Act, and copies thereof, duly certified by the said Secretary of State, were on the 10th day of April, 1907, duly filed in the offices of the Clerks of New York, Kings and Queens Counties, being the counties in which the route of the railroad company is located.

Copies of the said certificate, the acceptance thereof, and the resolutions of the Board of Estimate and Apportionment of February 15, 1907, and March 8, 1907, are submitted with this application.

The application of the railroad company for the franchise represented by the said certificate was first presented to the Rapid Transit Board on or about the 11th day of June, 1903; and a franchise of the general character of that now possessed by the railroad company, and granted as aforesaid, was granted by the Rapid Transit Board on or about June 23, 1904, by certificate dated on that day, but such franchise was not approved by the municipal authorities of the said city or the Board of Aldermen.

The charter time of the railroad company to complete construction of its said railroad has been duly extended to January 1, 1911, by act of the Legislature of New York, and the statutory time to complete its said bridge has by like act been extended to the 1st day of September, 1911.

2. The said certificate provides in Article 11 as follows:

"The franchise hereby granted shall, if the Board shall so determine, become void unless within one year after the time of such acceptance of this certificate by the railroad company that company shall further, and in due and lawful form, obtain, so far as may be necessary, and, if and when obtained, file in the office of the Board, the consent of the owners of one-half in value of the property bounded on the portions of streets over or under which the new railroad, or any part of the route thereof, runs,

to the construction and operation of the new railroad or such part thereof, or, in case such consent of such property owners cannot, where necessary, be so obtained, then the determination of commissioners to be appointed pursuant to law by the Appellate Division of the Supreme Court in the First Department or the Second Department (as the case may be) that such portion of the new railroad ought to be constructed and operated, the said determination of such commissioners, when confirmed by the Appellate Division which shall have appointed such commissioners, to be taken in lieu of such consent of property owners; provided, however, and it is expressly stipulated, that the Board shall have power, upon reasonable cause shown, to extend by written certificate either of the periods hereinbefore in this article prescribed."

The time of the railroad company to obtain the consents of the property owners, or, in lieu thereof, the determination of the Commissioners appointed by the Appellate Division of the Supreme Court, confirmed by that Court, will, if and as so limited by said certificate, expire on February 28, 1908.

3. The railroad of the railroad company, although it is the intention to use the same principally for the carriage of freight, when constructed, will connect with and form traffic routes for the Pennsylvania Railroad, the Long Island Railroad and the New York, New Haven and Hartford systems, as indicated upon the map hereto annexed. Although the railroad is to be in length but about nine miles, much of the work of its construction will be of a highly costly character. Its route lies entirely within the City of New York, and the railroad will be built solely upon its own property except where it crosses streets and on Ward's and Randall's islands. It is to be constructed in cut or tunnel or upon embankment or viaduct, having to cross all streets below or above the grade thereof. It is to be a four-track railroad, except that for a distance of 2.38 miles south of its crossing of Bowery Bay road it will be a double-track railroad, with a two-track connection from its main line to the terminal yards of the Pennsylvania Tunnel and Terminal Railroad Company now being constructed in the Borough of Queens. The railroad includes a great railroad bridge, authorized by the Federal and State governments, over the East River, the Bronx Kills and Ward's and Randall's islands, from the Borough of Queens to the Borough of The Bronx, with a single span with clearance over the East river, as required by the War Department of the Federal Government, of at least 136 feet. This construction, which must include very long approaches, made necessary by the required clearance over the East River, will be extremely expensive.

4. The railroad company, since the grant of its franchise by the Rapid Transit Board, with the consent and approval of the local authorities, has proceeded diligently to comply with the requirements of the Railroad Law, preliminary to construction or to the exercise of the right of eminent domain. It has made diligent efforts to acquire by purchase at private sale, at reasonable cost, the right-of-way necessary for the construction of its railroad, and it now owns, or there is now owned by other individuals or companies, ready to sell to the railroad company, about eighty (80) per

cent. in value of the necessary land. This land has, in considerable part, been acquired at unduly large expense, but thus far without the expense and local hostilities of litigation. The railroad company has made diligent efforts to obtain all the consents of abutting property owners, required by the said certificate and by law; but it will be impossible to obtain the consents of the owners of one-half in assessed value of the property bounded on the portions of many of the streets over or under which the railroad is to be constructed, except as and when the property shall be acquired by the railroad company or by a purchaser willing to promote its purposes, because such consents are required from owners who are also the owners of property which must be purchased by the railroad company for its right-of-way, and who, at the present time, are unwilling to sell the land for a right-of-way or to give such consent.

Since June, 1903, when the railroad company first made application to the Rapid Transit Board for the grant of its said franchise, the prices asked by the owners for properties upon the line of its route have, in anticipation of the construction of the railroad, increased out of all proportion to their values for railroad or other purposes. The very proposal of the railroad company to construct its railroad has tended to enhance the prices which it must pay for the rights-of-way. In many, if not most, of the cases where adjustment has not yet been made between the railroad company or those in its interest and the owners, the prices demanded for property have been and are excessive; but the railroad company still entertains expectations or hope that negotiations for private purchase will finally secure reasonable prices or prices not nearly as excessive as those now asked. The situation of the railroad company makes a reasonable economy in these purchases indispensable to the construction of its railroad. The railroad company has, as a matter of proper policy, preferred to adjust all such differences with residents and owners along the line without the expense, delay and neighborhood animosities of litigation. Moreover, the railroad company is advised that, unless such adjustment shall be made, there will need to be two separate and burdensome proceedings—one in the Supreme Court for condemnation and the other in the Appellate Division to obtain the statutory consent of the court in lieu of the consent of abutting owners.

5. The capital stock of the railroad company, one-half of which is owned by the Pennsylvania Railroad Company or its nominees, and one-half by the New York, New Haven and Hartford Railroad Company, or its nominees, is \$3,000,000, full paid in cash; and more than that sum has already been expended in the construction of the railroad and the purchase of its right-of-way. The entire cost of the railroad will, in the opinion of the railroad company, exceed \$14,000,000; and that sum is a far larger investment than was originally contemplated. The price of labor and materials, as well as of land, has enormously increased since June, 1903, when the railroad company made its application to the Rapid Transit Board for the franchise.

The railroad company believes that there will, within the time asked by this petition, be a material improvement in the financial facilities for the provision of the new capital required to meet the remaining cost of its right-of-way and construction.

6. The owners of the stock of the railroad company feel themselves to be the more justified in making this application for a further reason. While the New York Connecting Railroad is an integral part of the general plan of the Pennsylvania Railroad Company, to increase its facilities within The City of New York, for the better accommodation of the traveling public and shippers, it is only incidental to the facilities of the Pennsylvania Tunnel and Terminal Railroad Company now being constructed in the counties of New York and Queens; and the operation of the tunnels of the latter company under the Hudson and East rivers and the Borough of Manhattan, and the very large terminal development in Long Island City, near Jackson and Thomson avenues, are in no way dependent upon the construction of the railroad of the railroad company, so that any postponement of the completion of the railroad company's railroad will not delay the completion of the Pennsylvania Tunnel and Terminal Railroad and the through operation of trains between the Pennsylvania Railroad Company's lines and the Boroughs of Manhattan and Queens.

7. No public property, street or public place is now or has been obstructed by reason of the construction work of the railroad, and the postponement of construction will not increase the burden upon street traffic.

The railroad company is not a street railroad company; nor will its proposed railroad be a street railroad. By the terms of its franchise, the railroad company is precluded from carrying on local business. It is, in the strict sense of the term, part of a general trunk line.

Wherefore, The New York Connecting Railroad Company respectfully requests that your Honorable Commission, by written certificate, extend until the 28th of February, 1910, its time to obtain the consent of the owners of one-half in value of the property bounded on the portions of the streets over or under which the railroad of the railroad company is to run to the construction and operation of such railroad, or, in lieu of such consent, the determination of Commissioners appointed by the Appellate Division of the Supreme Court, confirmed by that court.

THE NEW YORK CONNECTING RAILROAD COMPANY,

(Signed) By SAMUEL REA, Vice-President.

(Signed) FRANK HAFF, Secretary.

State of New York, County of New York, ss.:

Samuel Rea, being duly sworn, says: I am the Vice-President of the New York Connecting Railroad Company, and have, in behalf of that company and with its authority, signed the foregoing petition. I am, and for years have been, intimately familiar with the business and affairs of the said company. The statements contained in the foregoing petition are true to the best of my knowledge and belief.

Sworn to before me this 23d day of January, 1908.

[SEAL.] (Signed) JOHN A. BARRY.

(22)

1029

The Secretary presented the following report of Henry B. Seaman, Chief Engineer, upon a test of the Brooklyn Bridge shuttle car service, which was ordered filed:

January 27, 1908.

The Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—I beg to report that on Saturday afternoon, the 25th inst., a test of the bridge car-shuttle service on the New York and Brooklyn Bridge was made to ascertain the carrying capacity of that service.

The test showed the capacity with twenty trains of six cable cars each to be 64,800 people per hour.

The desirability of making this experiment was first brought to the attention of Mr. J. S. Calderwood, Vice-President and General Manager, Brooklyn Rapid Transit, on January 14, in a letter from the Commission. On the afternoon of January 20 I met Mr. W. S. Menden, Assistant General Manager, Brooklyn Rapid Transit, and Mr. C. M. Ingersoll, Chief Engineer, Department of Bridges, and arranged for the test to be made on the following Thursday evening, the 23d inst. The inclosed correspondence between Mr. Menden, Mr. Ingersoll and myself then followed; arrangements were deferred until Friday, the 24th, and finally, on account of the severe snow storm, at Mr. Menden's request, were again deferred until Saturday, the 25th, when they were carried out, with the above result.

Extra trains, composed of elevated railway cars, instead of bridge cable cars, were used when the five-car trains were first installed, and could, therefore, be safely used again, but as the four-car trains could be made to answer the purpose of six-car trains, and since there were not available a sufficient number of cars to make up full trains, four-car trains were used to avoid controversy. The recent opening of the subway tunnel had so relieved the Brooklyn Bridge that no congestion on account of the test was possible.

An arrangement by which the four-car trains would run two car lengths beyond the switch in the Manhattan terminal made proper allowance for six-car trains. Any extra acceleration due to short trains was more than made up by the delays which actually occurred incident to an unexpected test, and other causes.

It was expected to dispatch these trains at intervals of about fifty seconds. It was therefore deemed advisable to use twenty trains instead of eighteen trains, as has been lately customary. The use of twenty-two trains might have still further expedited the movement.

Heretofore the difficulty in the rapid operation of trains through this terminal has been due to the fact that two trains were ready to take the crossing at about the same time. To avoid this, it was arranged that the north trains, which would unload in the west pocket, should leave Brooklyn several seconds ahead of the usual interval, in order that they might reach their unloading platform and be ready to take the crossing as

soon as the preceding train had passed. Thus the west bound trains, with comparatively light loads, would cross the structure at the alternate intervals of forty-five seconds and fifty-five seconds.

When the test was begun at 5 o'clock, it was found that the alternate interval between westbound trains had been reversed, and that the north trains were delayed instead of accelerated. It was also learned that the spacing of short trains upon the bridge had been limited to 800 feet. Both of these conditions were due to a misunderstanding, but either might have prevented the successful operation of the test. These conditions were quickly changed, however, when attention was called to them, and the trains were dispatched from 5 p. m. till 6.30 p. m. at regular intervals of fifty seconds each.

The estimated capacity of bridge cable cars is 150 passengers per car. The estimated capacity of elevated railway cars is 100 passengers per car. In either case the capacity may be crowded to about 25 per cent. more than that estimated.

Estimating the bridge cars at 150 passengers each, six car trains, at fifty-second intervals, will carry 64,800 passengers per hour.

Both the Department of Bridges and the Brooklyn Rapid Transit Company should receive thanks for their co-operation in this test, and congratulation upon its entire success.

Very truly yours,
(Signed) HENRY B. SEAMAN, Chief Engineer.

(23)

FOURTH AVENUE SUBWAY, ASHLAND PLACE SECTION.

2689

The Secretary presented the following communication from the Counsel to the Commission:

January 27, 1908.

Public Service Commission, for the First District:

SIRS—I have the letter of the Secretary of the 9th ult., transmitting a copy of resolution adopted by the Commission, as follows:

"Resolved, That the Counsel and Chief Engineer to the Commission be authorized to prepare the contract and plans for the construction of Section 11-A-1 of the Fourth Avenue Brooklyn Subway, extending from Ashland place to Sackett street, and that the Counsel be authorized to have the necessary printing done in connection therewith."

In accordance with such resolution, I have had prepared and now transmit to the Commission a draft of such contract, upon which a public hearing may be ordered, pursuant to section 37 of the Rapid Transit Act.

This section is part of the Fourth avenue route, as laid out by the former Rapid Transit Board, but the contract for it was not prepared at the time the other five contracts were prepared because of the storm sewer in Fourth avenue which is

to be abandoned on the completion of a new sewer system by the Borough officials of the Borough of Brooklyn. It was the intention of the Rapid Transit Board, as I understand it, to wait until such time as the trunk sewer was abandoned and then begin work on this section. The difficulty is that as this section is practically a connecting link between the three sections on Fourth avenue proper and the sections connecting with Manhattan Bridge, there was danger that these other sections would be well on toward completion before this section was started, and that the other sections might be entirely completed and thus be useless until this section was also completed, resulting in a large interest loss on the work already done. A further study on the part of the engineering staff has developed a method whereby this storm sewer in Fourth avenue can be taken care of at but a slight additional expense.

This contract includes practically all the changes which have been under consideration from the draft prepared by the Rapid Transit Board, and if the Commission approves, will be carried over to the other five contracts which are being prepared for advertising. A marked change has been made in the form of the contractor's proposal, at page 209, in that the contractor is required to submit in addition to his lump sum bid a copy of his estimate upon which such bid is based. This served a two-fold purpose: The first, in securing definite information as to the method by which the bid has been reached; and, secondly, and arising from the first reason, is an important protection to the Commission, if it should ever become necessary to take the same action as that of the Water Board in the case of the Ashokan Dam contracts; for if a bid submitted is too low, an examination of the bidder's schedules of quantities and unit values should give clear evidence of that fact. The provision for the contractor's liability for injury to persons or property has been limited to give greater protection to the contractor than was given in the contracts for the loop lines in Centre street. Those provisions were very broad and imposed liability on the contractor for practically all damages, and very probably was one of the causes which resulted in the high bids received for those sections. By the form of contract now submitted, this liability is limited to direct physical damage, and provisions made for an inspection of adjoining property by the contractor and the representative of the engineer, who shall file a certificate of the exact condition of the premises at that time, and in case any claim of damage is made at any future time, a further examination can be made, and the results compared. It seems to me that this ought to give the necessary protection to abutting property owners, and also protect the contractor against the necessity for defending himself against fraudulent claims.

The specifications have been carefully studied and largely rewritten and brought up to date. The specifications for steel and iron are entirely new, and those for cement, mortar and concrete have been carefully revised. The idea underlying the revision of the specifications and the contract has been to eliminate, so far as possible, provisions for contingencies, so that the bid received will be for work that will

actually be done, and not be overloaded by estimates for work that might possibly be necessary. This may result in the necessity of ordering extra work, but should have a marked effect in lowering the bids.

In addition to these main matters, to which special attention is called, there has been a careful study of the form of the subway contracts and a complete revision to make provision for matters of detail which experience has shown to be advisable.

To place the contract for this section in the same legal situation as the five other proposed Fourth avenue contracts, it will be necessary to hold a public hearing under the provisions of section 37 of the Rapid Transit Act which provides:

"Before finally fixing the terms and conditions of any contract for any of the purposes contained and set forth in this Act, the Board of Rapid Transit Railroad Commissioners of the appropriate city shall set a date or dates for a public hearing upon the proposed terms and conditions thereof at which citizens shall be entitled to appear and be heard. No such hearing shall be held, however, until notice thereof shall have been published for at least two weeks immediately prior thereto in the CITY RECORD, or other official publication of the City, and at least twice in two daily newspapers published in the City to be designated by the Mayor. It shall be the duty of the Board of Rapid Transit Railroad Commissioners to cause not less than five hundred copies of a draft of the proposed contract to be printed at least two weeks in advance of such hearing. The said notice of such public hearing shall state where copies of such drafts may be obtained upon payment of a fee to be fixed by said Board, but not to exceed one dollar for each such copy. The said Board may, after the hearing to be held, as above required, alter, approve or amend such draft contract in any manner in its discretion."

To carry out these provisions, I inclose herewith a form of letter to the Mayor, asking him to designate the two newspapers in which to advertise, and I also inclose a form of resolution and a form of notice for such hearing.

Respectfully yours,

GEO. S. COLEMAN, Counsel to the Commission.

On motion, duly seconded, it was

Resolved, That before finally fixing the terms and conditions of the contract for the construction of that portion of the Fourth Avenue Route in Brooklyn, beginning at a point in Ashland place, near Fulton street, and running through Ashland place and Fourth avenue to a point on Fourth avenue near Sackett street, a public hearing upon the proposed terms and conditions thereof shall be held on the 18th day of February, 1908, at 2.30 in the afternoon, at which citizens shall be entitled to appear and be heard, and that the Secretary be and he hereby is directed to cause a notice thereof to be published for at least two weeks immediately prior to the said hearing in the CITY RECORD and at least twice in two daily newspapers published in the City to be designated by the Mayor, and that such notice shall state that copies of such

draft contract may be obtained at the offices of the Commission on payment of the fee of ten cents for each copy.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(24)

O-221

Commissioner Eustis presented the following order, and it was moved and duly seconded that the same be adopted by the Commission:

FINAL ORDER (No. 221).

In the Matter
of

The hearing on the motion of the Commission on the question of improvements in and additions to the service and equipment of the Interborough Rapid Transit Company in the particulars hereinbelow mentioned.

Third Avenue Elevated.

Under order for hearing No 145,
made December 9, 1907.

This matter coming on upon the report of the hearing had herein on the 20th day of December, 1907, and the adjournments thereof, and it appearing that the said hearing was held by and pursuant to an order of this Commission, No. 145, made December 9, 1907, and returnable on the 20th day of December, 1907, and that the said order was duly served upon the Interborough Rapid Transit Company and that the said service was by it duly acknowledged and that the said hearing was held by and before the Commission on the matters in said order specified, on the 20th day of December, 1907, and by adjournment, duly had on the 26th day of December, 1907, and by adjournment, duly had on the 21st day of January, 1908, and that at each of said sessions Mr. Commissioner Eustis presided, and proof being taken and Grosvenor H. Backus, Esq., Assistant Counsel, appearing for the Commission at each of said sessions, and Alfred A. Gardner, Esq., appearing for said Interborough Rapid Transit Company.

Now, it being made to appear after the proceedings upon the said hearing that the service of the said Interborough Rapid Transit Company, in the transportation of persons on its Third avenue elevated line, in the First District, has been and is, at the points and at the times set forth, as follows, to wit:

Southbound Trains Passing Thirty-fourth Street Station.

(1) From 6.30 to 7 a. m., sixteen trains of seven cars each; one hundred and twelve cars.

(2) From 7 to 7.30 a. m., twenty trains of seven cars each; one hundred and forty cars.

(3) From 7.30 to 8 a. m., twenty-six trains of seven cars each, one hundred and eighty-two cars.

(4) From 8 to 8.30 a. m., twenty-four trains of seven cars each; one hundred and sixty-eight cars.

(5) From 8.30 to 9 a. m., twenty-three trains of seven cars each; one hundred and sixty-one cars.

(6) From 9 to 9.30 a. m., sixteen trains of seven cars each; one hundred and twelve cars.

Northbound Trains Passing Forty-second Street Station.

(1) From 4.30 to 5 p. m., fourteen trains of seven cars each; ninety-eight cars.

(2) From 5 to 5.30 p. m., eighteen trains of seven cars each; one hundred and twenty-six cars.

(3) From 5.30 to 6 p. m., twenty-three trains of seven cars each; one hundred and sixty-one cars.

(4) From 6 to 6.30 p. m., twenty-three trains of seven cars each; one hundred and sixty-one cars.

(5) From 6.30 to 7 p. m., twenty-two trains of seven cars each; one hundred and fifty-four cars.

(6) From 7 to 7.30 p. m., one train of five cars, fourteen trains of seven cars each; one hundred and three cars.

And it further appearing that the said service is unreasonable and inadequate, in that said company does not operate trains enough or cars enough reasonably to accommodate the passenger traffic transported by it, or offered for transportation to it, at the times hereinafter specified, and it appearing that it would be just, reasonable and proper that the said service of the Interborough Rapid Transit Company should be supplemented in the particulars hereinafter set forth, at the points and at the times so hereinafter set forth,

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, as follows, to wit:

That the said Interborough Rapid Transit Company increase its said service upon its Third avenue elevated line in the particulars and by the means hereinafter stated and at the times hereinafter set forth, except on Saturday afternoons, Sundays and holidays, to wit:

Southbound Service.

(1) Southbound at Thirty-fourth street, from 7 to 7.30 a. m., by an increase of thirty-five cars, operated in five trains of seven cars each, four of said trains to be added to the City Hall service and one to the South Ferry service.

(2) Southbound at Thirty-fourth street, from 8 to 8.30 a. m., by an increase of one train of seven cars, to be added to the City Hall service.

(3) Southbound at Thirty-fourth street, from 8.30 to 9 a. m., by an increase of two trains of seven cars each, to be added to the City Hall service.

Northbound Service.

(1) Northbound at Forty-second street, from 4.30 to 5 p. m., by an increase of one train of seven cars, to be added to the Bronx Park service.

(2) Northbound at Forty-second street, from 5 to 5.30 p. m., by an increase of five trains of seven cars each, four of said trains to be added to the Bronx Park service and one to the Harlem service.

(3) Northbound at Forty-second street, from 5.30 to 6 p. m., by an increase of two trains of seven cars each, to be added to the Bronx Park service.

(4) Northbound at Forty-second street, from 6 to 6.30 p. m., by an increase of two trains of seven cars each, to be added to the Bronx Park service.

(5) Northbound at Forty-second street, from 6.30 to 7 p. m., by an increase of three trains of seven cars each, to be added to the Bronx Park service.

(6) Northbound at Forty-second street, 7 to 7.30 p. m., by an increase of one train of seven cars, to be added to the Bronx Park service.

And it is further

Ordered, That this order shall take effect by or before the 10th day of February, 1908; and it is further

Ordered, That on or before the 5th day of February, 1908, the Interborough Rapid Transit Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(25)

O-223

The Secretary presented a communication from the Brooklyn Heights Railroad Company, upon Order No. 207, in regard to complaint of the Flushing Association against the collection of two fares on the Flushing line, requesting an extension of ten days within which to submit its answer to said order. On motion, duly seconded, it was thereupon

ORDER FOR EXTENSION OF TIME (No. 223).

Ordered, That the Brooklyn Heights Railroad Company be granted an extension of ten days within which to submit its answer to Order No. 207.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(26)

3099

The Secretary presented a communication from Bird S. Coler, President of the Borough of Brooklyn, transmitting a report of the Superintendent of Public Buildings and Offices, together with a blueprint relative to certain alterations to be made to the steps leading to the Municipal Building, so as to provide more space for egress from the subway station adjoining said building, submitted to the Commission in

order that the Interborough Company might be compelled to pay for the cost of this alteration. The papers were referred to Commissioner McCarroll.

(27)

Req.

The Secretary stated that a communication had been received from Hon. J. Mayhew Wainwright, Chairman of the Assembly Committee on Railroads, asking the opinion of the Commission with regard to Assembly Bill No. 39, amending the Railroad Law as to rate of fare, and further stated that it had been referred to the Counsel to the Commission, and submitted the opinion of the Counsel thereon. The communication was referred to Commissioner McCarroll to draft a suitable reply to the request from the Committee on Railroads.

(28)

O-224

The Secretary presented the following order, and it was moved, and duly seconded, that the same be adopted by the Commission:

ORDER GRANTING LEAVE TO DISCONTINUE CERTAIN STATIONS (No. 224).

In the matter of
the

Application of the Brooklyn Union Elevated Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of two (2) elevated stations of the Fulton street line at Court street, at the junction of Court and Fulton streets and at Boerum place, at the junction of Boerum place and Fulton street.

This application by the Brooklyn Union Elevated Railroad Company, under section 34 of the Railroad Law, filed with this Commission, January 11, 1908, asking the consent of the Commission to the discontinuance of two (2) elevated stations on the Fulton street line of said company, to wit:

Court street station, at the junction of Court and Fulton streets, and

Boerum place station, at the junction of Boerum place and Fulton street; the same to depend upon the procurement from the City authorities of the right to construct a station about midway between the two above named, which will, both as to capacity and location, much better serve the requirements of traffic at that point and especially facilitate the transfer of passengers between elevated and subway lines at the City Hall station, came on January 16, 1908, at 3 o'clock in the afternoon, Commissioners McCarroll and Bassett presiding, pursuant to an order and resolution of the Commission adopted on the 14th day of January, 1908, the same being Order No. 201, which appointed the 16th day of January, 1908, at 3 o'clock in the afternoon, as the time and place of hearing the said application and further directed that the said company publish a notice of the time and place of such hearing in newspapers published in Brooklyn specified therein, to wit, the "Brooklyn Eagle," "Brooklyn Times," "Brooklyn Standard Union" and "Brooklyn Citizen," at least two (2) days in succes-

sion before such hearing and file proof of such publication with the Secretary of the Commission on or before the opening of the hearing.

The Brooklyn Union Elevated Railroad Company, at the opening of said hearing, duly filed proof of the publication of such notice in the papers aforesaid, in accordance with said order for hearing, and the following appearances were noted: Mr. George D. Yeomans and Mr. C. L. Woody of counsel for the Brooklyn Union Elevated Railroad Company, Oliver C. Semple, Esq., Assistant Counsel for the Commission, William D. Veeder, Esq., Counsel, and Julius C. Nehrenkrauss, Treasurer, for the Germania Savings Bank; after hearing the evidence and arguments, it appearing to the satisfaction of the Commission that the proposed discontinuance of the said stations by the Brooklyn Union Elevated Railroad Company is dependent upon an intention of the said company to construct a new station on Fulton street at or near the Borough Hall and that the latter will better serve the conveniences of the public in respect to transportation of passengers and a closer connection with the Brooklyn City Hall station of the Interborough Rapid Transit Company, in the operation of its subway between the Borough of Brooklyn and the Borough of Manhattan,

Now, therefore, the application of the Brooklyn Union Elevated Railroad Company is hereby granted and the Public Service Commission for the First District hereby consents, under section 34 of the Railroad Law, to the discontinuance of the stations of the said company on the Fulton street line, described as follows, namely:

Court street station, at the junction of Court and Fulton streets;

Boerum place station, at the junction of Boerum place and Fulton street.

This consent to become effective, however, only if and when the new station at or near the Borough Hall on Fulton street, mentioned in said application filed by the said company upon the hearing herein, shall have been completed, with accommodations approved by the Commission, and opened for use of passengers for and upon the said road of said Brooklyn Union Elevated Railroad Company.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(29)

O-222

Commissioner Eustis presented the following order for hearing, and it was moved, and duly seconded, that the same be adopted by the Commission:

HEARING ORDER (No. 222).

In the Matter

of

The hearing of the motion of the Commission on the question of repairs, improvements and additions to equipment and appliances, including rolling stock, of the Union Railway Company, in the particulars hereinafter set forth.

Overhauling cars, etc.

It is hereby Ordered, That a hearing be held on the 10th day of February, 1908, at 10.30 o'clock in the forenoon, or at any time or times to which the same may be ad-

journed, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment and appliances of the Union Railway Company in respect of transportation of persons in the First District are unsafe, improper and inadequate, and whether improvements, repairs and additions to cars and car equipments of said company ought reasonably to be made in order to promote the security and convenience of the public or employees, and in order to secure adequate service and facilities for the transportation of passengers and property, and if such is found to be the fact, then to determine whether additions, repairs and improvements therein, as hereinafter set forth, are such as would be just, reasonable, safe, adequate and proper, and ought reasonably to be made to promote such security and convenience of the public or employees, and in order to secure adequate service and facilities for the transportation of passengers and property, that is to say:

(1). That every car of said company receive a thorough inspection covering car body, motor and electric equipment, wiring and trucks; that all defects therein be carefully noted and the car sent through various shops, and there overhauled and repaired so as, when completed, to be in first-class operating and practically new condition. This applies for illustration but not for specification to the following:

Inspection—By a thorough inspection and general overhauling of the car body and its entire equipment, it is intended that each car should be brought into the car house and placed over a pit; seats and trap doors removed and covers taken off to facilitate careful inspection, which should be made by competent engineers, and not by car house employees.

Car Bodies—Where the car body must be completely repainted, it should be sent first through the carpenter shop to have all defects of the woodwork repaired. It should then go to the paint shop to be properly painted.

Special care should be given to the inspection of all car bodies, covering framing, flooring, moulding and panels, and in every case where the wood is not in sound condition such part is to be replaced, strengthened and made practically new; also, all metal work pertaining to the car body must be renewed if in a defective state, and the floors and parts of platforms, doors, windows and roofs must be given the same careful inspection and renewal.

On account of the especially bad condition of the car steps, which were found to be loose, bent and worn so that in many cases they are unsafe, special attention should be given to the renewal of car steps to put them in a fit condition.

Headlights—All headlights should be overhauled and put in a fit condition with new reflectors where necessary; broken glasses replaced with semaphore glass and lamps removed when known to be below normal candle power.

Pilot Boards—All pilot boards should be gone over carefully and renewed wherever the present board is found to be defective.

Wiring—The wiring upon the cars of this road has been found to be badly defective inasmuch that insulation is impaired and the opportunities for defects occurring

which would make the service of the car unreliable and possibly unsafe, so that all improvements possible in the present method of wiring, hanging and placing of equipment appliances should be made a careful study, and a universal system of wiring adopted. *This is one of the most important matters pertaining to the entire car equipment.*

Brasses—All brasses throughout the car should be renewed. Armature and axle shafts and other bearing parts should be normal.

Commutators—Should be turned and made in first-class condition, and when abnormally worn must be renewed.

Field Coils and Armature Windings—Should be tested for insulation and if found to be below normal should be replaced with new ones, otherwise they should be well cleaned and painted.

Trucks—All trucks must be thoroughly cleaned and lined; all broken, weak or otherwise defective parts must be replaced with new ones, not repaired except in very minor defects, and that especially all springs must be renewed where their normal effectiveness has been lost.

Brakes—Should be given careful inspection and improvements made in the mechanism and form at present employed, which, in the judgment of the company's engineers, will be beneficial.

Controllers—Should have all contact and other parts renewed that show indication of abnormal wear; connections tightened and the controller thoroughly cleaned and painted.

Automatic Circuit Breakers—Should be tested and maintained operative for the proper load corresponding to the motor capacity of the car. Especial care should be given to this matter.

Resistances—Should be cleaned, tested and any section not up to the standard, renewed, and a form of hanger used so that the resistance will not be bolted directly to the bottom of the car, and that there is sufficient space between the resistance and the car floor to prevent danger to the woodwork of the car from the resistance becoming abnormally heated, and, also, to increase insulation as it has been found that the present form of hanging the resistance has been the cause of passengers getting an electric shock. This matter should be given immediate and careful attention.

Axle Gear Wheels, Armature Pinions and Car Wheels—Should in every instance be renewed when the indication is found of abnormal wear. All gears and pinions must be replaced where the teeth are worn down to less than 1/16 of an inch on top, and the lower half of each gear case should at all times be maintained not less than half full of gear grease so as to minimize the noise as much as possible resulting from the gears and pinions.

Car Lights and Wiring—It has been noted that the car lighting appliances are not maintained in a clean and well-kept manner, and also that the light wiring in many cases has defective insulation. Loosely made connections, the wiring exposed in the

car subject to improper handling, goes to make the lighting service unreliable, and it is recommended that all our lighting appliances and wiring should be overhauled and such part as may be necessary should be renewed.

Time—Facilities should be created and a reconstruction department organized to carry on the above work in such a manner as to cover at the rate of four (4) cars per day.

(2). When any car has been overhauled and prepared for service, as above provided, notice thereof be sent to the Commission and the inspection of its then condition allowed by Inspectors of the Commission before the same is put into service.

And if any such improvements, repairs and additions be found to be such as ought to be made, as aforesaid, then to determine what period would be a reasonable time within which the same should be directed to be executed and in what manner execution of the same should be specified to be made.

All to the end that the Commission may make such order or orders as shall be just and reasonable.

And it is further Ordered, That the Union Railway Company be given at least ten days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing it be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(30)

The Secretary presented the following vouchers, the bills of which had been duly approved by Commissioner McCarroll as Committee on Audit for the month of January, whereupon, on motion, duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of The City of New York for payment:

No.	Name.	Services and Material.	Amount.
615.	Martin B. Brown Company.....	Printing, as per bill of January 20, 1908....	\$17 50
616.	Clarke & Baker Company.....	Stationery supplies, as per bill of January 9, 1908	24 90
617.	Carbon Art Metal Company.....	Stationery supplies, as per bill of January 20, 1908.....	19 00
618.	E. Belcher Hyde.....	Maps, as per bills of January 18, 1908.....	20 00
619.	A. A. Weeks-Hoskins Company..	Furniture, as per bills of January 13, 1908..	141 00
620.	Law Reporting Company.....	Stenographic work and copying, as per bills of January 17, 18; 1908.....	114 00
621.	J. B. Lyon Company.....	Subscription to Law Reports, as per bill of January 17, 1908.....	25 00

No.	Name.	Services and Material.	Amount.
622.	John H. McCullagh & Sons.....	Office fixtures, as per bill of January 20, 1908	149 00
623.	The Macey Company.....	Furniture, as per bill of January 21, 1908....	28 00
624.	A. Nehrbas & Son.....	Binding law volumes, as per bill of January 17, 1908	5 25
625.	August R. Ohman & Co.....	Maps, as per bill of January 18, 1908.....	8 00
626.	Pontrichet Black Print Paper Company	Prints, as per bills of October 31, November 30, December 31, 1907, January 6, 13, 1908	185 50
627.	Rapid Safety Filter Company of New York	Filter service, as per bills of December 31, 1907	46 38
628.	Tiffany & Co.....	Desk lamp, as per bill of January 6, 1908....	37 00
629.	Twinlock Company	Stationery, as per bill of January 22, 1908....	24 08
630.	Underwood Typewriter Company.	Typewriter and stationery supplies, as per bills of December 20, 1907, January 11, 1908	515 00

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(31)

O-225

Commissioner Maltbie—"Order No. 179 provides that the New York City Railway Company, or its receivers, shall report daily to the Commission in a form prescribed by this Commission, the number of cars repaired under Order No. 179, as rapidly as such cars have been repaired and are ready for inspection.

I move, therefore, the adoption of the following resolution:"

ORDER (No. 225).

Resolved, That the New York City Railway Company, or its receivers, shall use the following form in reporting the cars repaired and ready for inspection, as provided by Order No. 179:

NEW YORK CITY,.....

*To the Public Service Commission for the First District, Bureau of Transportation,
No. 154 Nassau street, New York City:*

SIRS—We hereby notify you that the following cars have been overhauled and repaired at.....car barn, as provided in Order No. 179, of your Commission, and may be tested at.....
on

(date)

Cars numbered.....

(Signed)

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(32)

Commissioner Bassett offered the following resolution:

Resolved, That the Chief Engineer be requested to investigate the desirability of placing side doors in the elevated trains operated on the Brooklyn Bridge, and to report thereon at the earliest possible time.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(33)

Commissioner Bassett offered the following resolution:

Resolved, That the Sub-Committee on Safety Devices consider and report on the advisability of ordering the use of magnetic track brakes on the elevated cars operating across the Brooklyn Bridge.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, JANUARY 31, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for January 28, as printed in the CITY RECORD for January 31 was approved.

(2)

1361

The Chief Engineer presented plan No. T-459 and memorandum for additional accommodations at the station at Seventy-second street and Broadway, as constructed under the contract with John B. McDonald for the Manhattan-Bronx subway.

Commissioner Eustis moved, and it was duly seconded, that this plan and memorandum be transmitted to the Interborough Rapid Transit Company for examination and for obtaining of such bids and estimates as may be necessary.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

(3)

1371

Commissioner Eustis, to whom had heretofore been referred the matter of an appropriate station at the end of the West Farms branch of the Manhattan-Bronx subway, presented a communication from Henry B. Seaman, Chief Engineer, giving several estimates as to the cost of various plans, as follows:

January 28, 1908.

Hon. JOHN E. EUSTIS, *Commissioner*:

DEAR SIR—Herewith for your information are several estimates of the cost of carrying out as many plans for the construction of the Bronx Park station, at the end of the West Farms branch of the subway.

(8)

1. Structure extended in accordance with Contract No. 1 and the station building at One Hundred and Eighty-second street. Type of station to be standard type of elevated stations, which have been constructed under Contract No. 1, with one island platform. The station not to be particularly ornate; accessible by stairways. Comparative estimated cost, \$92,000.

2. Station and structure terminating at the north side of One Hundred and Eighty-first street. Type of station to be ornate in design in accordance with special plans prepared by this office, with a central and two side platforms. The side platforms to be enclosed within the park limits with an ornamental enclosure, accessible by stairways. Comparative estimated cost, \$140,000.

3. Station to terminate at the north side of One Hundred and Eightieth street. One and four-tenths per cent. down-grade to the station to be eliminated by raising the structure to level base of rail at an elevation of 63.97, or approximately 34 feet above the street level. Type of station to be the same as standard construction, not particularly ornate. One island platform, with terminal ticket house; accessible by one stairway and one ascending escalator. Comparative estimated cost, \$86,000.

4. If an additional descending escalator be added to No. 3, add \$34,000, or comparative estimated cost of \$120,000.

All of the above comparative estimates include the whole cost of the structure work, as well as the station finish work, to carry the line to the terminating points indicated. For the estimated total cost of any one of the projects 15 per cent. should be added to the comparative cost to cover contingencies. If plan No. 3 is carried out instead of plan No. 1, the latter plan called for under Contract No. 1, a saving to the City of approximately \$7,000 would be effected.

Respectfully,

(Signed) HENRY B. SEAMAN, Chief Engineer.

After discussion, on motion, duly seconded, it was

Resolved, That the Commission determine upon the third of the said suggestions that a station be constructed to terminate at the north side of One Hundred and Eightieth street, that the down grade be eliminated, that the type of the station be the same as the standard construction, with one island platform and terminal ticket house, accessible by one stairway and one ascending escalator, and that detailed plans for the same be prepared.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

(4)

2569

The Secretary presented a communication from the Counsel to the Commission appointing Howard A. Butler as Junior Assistant Counsel, second grade, and recommending that his salary be fixed at the rate of \$1,200 per annum.

On motion, duly seconded, it was thereupon

Resolved, That the following appointment from the Civil Service list be confirmed and salary fixed as indicated:

Name.	Position.	Salary.	To Take Effect.
Howard A. Butler....	Junior Assistant Counsel, Second Grade..	\$1,200 per annum	Feb. 1, 1908

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

(5)

2528

On motion, duly seconded, it was

Resolved, That the appointment of Winifred Reidy as provisional Filing Clerk be terminated as of February 1, 1908.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

(6)

2927, 2965

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service List:

Name.	Position.	Salary.	To Take Effect.
Rebecca Langerman.....	Stenographer.....	\$75 00 per month	February 1, 1908
Joseph Baradel.....	Office Boy.....	30 00 per month	February 1, 1908
John N. Doherstein.....	Office Boy.....	30 00 per month	February 1, 1908

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

(7)

2911

EXTENSION OF TIME TO NEW YORK CONNECTING RAILROAD COMPANY.

After consideration of the application of the New York Connecting Railroad Company, dated January 22, 1908, and presented to the Commission at its session on January 28, on motion, duly seconded, it was

ORDER FOR EXTENSION OF TIME (No. 235).

Resolved, That the time of the New York Connecting Railroad Company to obtain, so far as may be necessary, and, if and when obtained, file in the office of the

Commission, the consent of the owners of one-half in value of the property bounded on the portions of streets over or under which the new railroad or any part of the route thereof runs, to the construction and operation of the new railroad or such part thereof, or in lieu thereof to obtain the determination of Commissioners to be appointed pursuant to law by the Appellate Division of the Supreme Court in the First Department, or the Second Department, as the case may be, and the confirmation of the said Appellate Division as required by the certificate or franchise of the Board of Rapid Transit Railroad Commissioners to the said company, dated February 14, 1907, be and the same hereby is extended to the 28th day of February, 1910; and it was further

Resolved, That the Chairman and Secretary of the Public Service Commission for the First District be and they hereby are authorized, in behalf of the Commission, to execute and deliver to said railroad company a written certificate extending the time of such railroad company to obtain and file such consent or determination as aforesaid.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

The form of certificate referred to in the foregoing resolution was as follows:

CERTIFICATE EXTENDING THE TIME OF THE NEW YORK CONNECTING RAILROAD COMPANY
TO OBTAIN CONSENTS, OR IN LIEU THEREOF THE DETERMINATION OF COM-
MISSIONERS.

Whereas, The Board of Rapid Transit Railroad Commissioners for The City of New York, did, by certificate dated the 14th day of February, 1907, authorize the New York Connecting Railroad Company, a railroad corporation duly incorporated under the laws of the State of New York, to construct and operate a certain railroad in The City of New York; and

Whereas, The said certificate duly executed by the Board aforesaid was delivered by the said Board to the said New York Connecting Railroad Company, which company on the 28th day of February, 1907, duly accepted the franchise and all the terms, conditions and requirements thereof by an instrument in writing; and

Whereas, By the terms, conditions and requirements of the said certificate it was provided, among other things, that the franchise thereby granted should, if the Board should so determine, become void unless within one year after the time of the acceptance of the certificate by the said company, that company should further and in due and lawful form obtain so far as might be necessary, and if and when obtained file in the office of the said Board the consent of the owners of one-half in value of the property bounded on the portions of streets over or under which the new railroad or any part of the route thereof should run, to the construction and operation of the new railroad or such part thereof, or in case such consent of such property

owners could not where necessary be so obtained, then the determination of Commissioners to be appointed pursuant to law by the Appellate Division of the Supreme Court in the First Department, or the Second Department, as the case might be, that such portion of the new railroad ought to be constructed and operated, the said determination of such Commissioners, when confirmed by the Appellate Division which appointed such Commissioners, to be taken in lieu of such consent of property owners; and

Whereas, The said New York Connecting Railroad Company has obtained the consent of the Board of Estimate and Apportionment and the Mayor of the City, as required by said certificate, but has not obtained the consent of the requisite number of owners of property bounded on the portions of streets over or under which its new railroad or any part of the route thereof runs, and has shown reasonable cause why such consent has not been obtained and the period fixed for obtaining such consent has not now elapsed; and

Whereas, Under and pursuant to the provisions of chapter 429 of the Laws of 1907, the said Board of Rapid Transit Railroad Commissioners was abolished and went out of office, and all the powers and duties of the said Board conferred and imposed by any statute of this State were directed to be exercised and performed by the Public Service Commission of the First District; now

Therefore, The Public Service Commission for the First District does hereby certify that the time of the New York Connecting Railroad Company to obtain and file consent of property owners, or in lieu thereof to obtain the determination of Commissioners to be appointed pursuant to law by the Appellate Division of the Supreme Court in the First Department, or in the Second Department, as the case may be, and the confirmation of the said determination as required by the certificate or franchise of the Board of Rapid Transit Railroad Commissioners to the said railroad company, dated February 14, 1907, be and the same hereby is extended to the 28th day of February, 1910.

In witness whereof, this certificate has been made by the Public Service Commission for the First District, and is now attested by the signature of its Chairman, who is its presiding officer, and its Secretary, this day of....., 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

By.....Chairman.

By.....Secretary.

State of New York, County of New York, ss.:

On the.....day of....., 1908, before me personally appeared William R. Willcox and Travis H. Whitney, to me known and known to me to be the said William R. Willcox, Chairman, and the said Travis H. Whitney, Secretary, of the Public Service Commission for the First District, and the said William R. Willcox and Travis H. Whitney, being by me duly sworn, did depose and

say, each for himself, and not one for the other, the said William R. Willcox, that he resided in the Borough of Manhattan, in the said City; that he was the Chairman of the said Commission, and that he subscribed his name to the foregoing instrument by virtue of the authority thereof, and the said Travis H. Whitney that he resided in the Borough of Brooklyn, in the said City; that he was the Secretary of the said Commission, and that he subscribed his name thereto by like authority; and both the said William R. Willcox and Travis H. Whitney that they knew the seal of the said Commission, and that the same was affixed to the foregoing instrument by the authority of the said Commission, and of a resolution duly adopted by the same.

.....
Notary Public,
County, New York.

(8)

O-226

Commissioner Eustis presented the following order for hearing, and it was moved and seconded that the same be adopted by the Commission:

HEARING ORDER (No. 226).

In the Matter
of

The hearing on the motion of the Commission as to the regulations, practices, equipment and service of the Interborough Rapid Transit Company, in the respects hereinafter mentioned.

It is hereby

Ordered, That a hearing be had on the 12th day of February, 1908, at 3 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at No. 154 Nassau street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment, appliances or service of said company, upon and near its line on and along Second avenue, in the Borough of Manhattan, at its Ninety-second street station on said line, in respect to the transportation of persons, freight or property within the State, are unjust, unreasonable, unsafe, improper or inadequate, and if it be so found, then to determine whether changes in said regulations, practices, equipment, appliances or service in the particulars following, at the place or places herein mentioned, would be just, reasonable, safe, adequate and proper, and whether such changes shall be put in force, observed and used on the line of said company, and also to inquire and determine whether repairs, improvements, changes, or additions to or in the tracks, switches, terminals, terminal facilities or other property or device used by said company in the particulars following, ought reasonably to be made in order to promote the security or convenience of the public or employees or in order to secure adequate facilities for the transportation of passengers, freight or property, namely:

Whether said company should be directed to erect and maintain a larger ticket office than is now kept and maintained by it at the Ninety-second street station of its Second avenue elevated line, and if so, then to determine what addition or additions, extension or extensions of the present ticket office at said station ought reasonably to be made, and particularly whether said ticket office should be extended farther to the west.

Whether said company should be directed to make changes in, additions to or extensions of the main stairway at said station leading from the train platform to the underhanging gallery or transverse passageway at the foot thereof, and if so, then to determine what changes, additions or extensions thereof ought reasonably to be made, and particularly whether a wider stairway than the one at present in use at said station ought properly to be constructed and maintained.

Whether said company should be directed to construct and maintain additions to or extensions of the underhanging gallery or transverse passageway at the said station, so that the same will extend farther to the east than at present, and if so, then to determine the extent of such additions or extensions.

Whether said company should be directed to construct a new stairway from the easterly end of said underhanging gallery or transverse passageway at said station to the easterly side of Second avenue.

Whether said company should be directed to make other changes in its property, equipment or appliances or in its regulations, practices and service upon said line at said Ninety-second street station.

And if such changes, improvements and additions, or any of them, be such as ought to be made as aforesaid, then to determine the extent thereof and what period would be a reasonable time within which the same ought to be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That said Interborough Rapid Transit Company be given at least ten days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity to present evidence and to examine and cross-examine witnesses as to the matters hereinbefore set forth.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

(9)

ORDER FOR ANSWER (No. 227).

O-227

On motion, duly seconded, it was

Resolved, That the Interborough Rapid Transit Company be required to make answer to the following questions and to furnish information called for herein, within one week after the receipt of this resolution:

(1) At what points on the Subway and Elevated lines are train despatchers stationed?

(2) Do these despatchers make a record of the actual time of the train movement past such points, covering any or all of the 24 hours?

(3) If the train despatchers do not make such a record what are their functions, and are such records obtained by any other employees of the Railroad Company?

(4) Furnish the Commission with a certified copy of such records as were made on January 21, 1908, covering the Subway and Elevated train movement, on that day.

(5) Are any of the general officers of the operating company supplied each day with "Trouble" reports, or any reports which would indicate whether the trains on the various lines were or were not being operated in accordance with the schedules, and the causes of such variations therefrom as might occur?

(6) Furnish the Commission with a certified copy of such "Trouble" report or reports as referred to in paragraph No. 5, for January 21, 1908.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

(10)

ORDER FOR ANSWER (No. 228).

O-228

On motion, duly seconded, it was

Resolved, That the Brooklyn Union Elevated Railroad Company be required to make answer to the following questions and to furnish information called for herein, within one week after the receipt of this resolution:

(1) At what points on the Elevated lines are train despatchers stationed?

(2) Do these despatchers make a record of the actual time of the train movement past such points, covering any or all of the 24 hours?

(3) If the train despatchers do not make such a record what are their functions, and are such records obtained by any other employees of the Railroad Company?

(4) Are any of the general officers of the operating company supplied each day with "Trouble" reports, or any reports which would indicate whether the trains on the various lines were or were not being operated in accordance with the schedules, and the causes of such variations therefrom as might occur?

Ayes—Commissioners, Willcox, McCarroll, Eustis.

Nays—None.

Carried.

(11)

O-217

The Secretary stated that a communication had been received from the Staten Island Rapid Transit Railway Company upon Order No. 217 of the Commission, with regard to improvements in and additions to service and equipment. The communication was ordered filed, and was as follows:

THE STATEN ISLAND RAPID TRANSIT RAILWAY COMPANY, }
NEW YORK, January 28, 1908. }

The Public Service Commission for the First District, No. 154 Nassau Street, New York City:

GENTLEMEN: Referring to your order No. 217, changing and modifying order No. 175, The Staten Island Rapid Transit Railway Company begs to advise that it is its intention to comply with section No. 1 of said order, in regard to bells and signals, and it will attempt to provide same within the dates therein specified. Whether or not it is able to comply therewith within the dates specified depends upon whether or not it is able to obtain the necessary materials.

It is its intention to comply with section No. 2 of said order; also with section No. 3 and section No. 4 of said order.

Very truly yours,

(Signed) GEORGE H. CAMPBELL, Vice-President.

State of New York, }
County of New York, } ss.:
City of New York, }

On this 30th day of January, 1908, before me personally came George H. Campbell, to me known and known to me to be the same person described in and who signed the foregoing, and he thereupon acknowledged to me that he had signed the same.

(Signed) W. J. KENNEY, Commissioner of Deeds,
City of New York.

(12)

O-216

The Secretary stated that a communication had been received from the Staten Island Railway Company upon Order No. 216 of the Commission, with regard to improvements in and additions to service and equipment. The communication was ordered filed, and was as follows:

THE STATEN ISLAND RAPID TRANSIT RAILWAY COMPANY, }
NEW YORK, January 28, 1908. }

The Public Service Commission for the First District, No. 154 Nassau Street, New York City:

GENTLEMEN: Referring to your order No. 216, changing and modifying your order No. 174, The Staten Island Railway Company hereby notifies you that it is its intention to comply with subdivision No. 1, a, of said order, for the

provision and maintenance of warning bells and other warning apparatus, and it will endeavor to complete such precautions by March 15, 1908. It is its intention to comply with subdivision No. 1, b, of said order, and will endeavor to complete this by February 20, 1908. It is its intention to comply with subdivision 1, c, of said order, and will endeavor to do so by April 1, 1908; although whether or not such compliance can be effected will depend on whether or not it is able to secure the materials necessary. It further intends to comply with subdivision No. 1, d, thereof, and No. 1, e, thereof.

It is its intention to comply with section No. 2 of said order and section No. 3 of said order. It is its intention to comply with section No. 4 of said order, with the proviso that it is unable now to state whether or not it will be able to secure the necessary materials in order to comply by April 1, 1908.

It is its intention to comply with section No. 5 of said order, by running trains at all hours stated therein, and for that purpose it intends to readjust its schedule within the time stated in said section, and on said readjustment to operate trains henceforth at the hours stated.

Very truly yours,

(Signed) GEORGE H. CAMPBELL, Vice-President.

State of New York, }
County of New York, } ss.:
City of New York, }

On this 30th day of January, 1908, before me personally came George H. Campbell, to me known and known to me to be the same person described in and who signed the foregoing, and he thereupon acknowledged to me that he had signed the same.

(Signed) W. J. KENNEY, Commissioner of Deeds,
City of New York.

(13)

2184

The Secretary presented a communication from the Committee of One Hundred transmitting resolutions of the Prospect Heights Citizens' Association to the effect that the Prospect Park-Flatbush subway should be built by the City as a branch of the Fourth avenue-Manhattan Bridge route; and urging that the Commission consider the practicability of combining into one system the Prospect Park-Flatbush route, the Fourth avenue-Manhattan Bridge route, the Lexington avenue-Broadway-Church street route and the Liberty street and Maiden lane tunnel route; and that the Commission arrange for the construction of the Prospect Park-Flatbush route simultaneously with the Fourth avenue route.

The communication was ordered filed.

(14)

3102

The Secretary presented the following communication, requesting the Commission to change the name of the Hoyt street subway station in Brooklyn to Hoyt-Duffield street station, for the purpose of more definite identification.

Which was referred to Commissioner McCarroll, and was as follows:

FREDERICK LOESER & Co., }
BROOKLYN, January 28, 1908. }

TRAVIS H. WHITNEY, *Esq.*, *Secretary, Public Service Commission*, No. 154 Nassau street, New York City:

DEAR SIR—We desire to ask the Public Service Commission to change the name of the Hoyt street subway station in Brooklyn to the Hoyt-Duffield street station, and for these reasons:

The entrance to the subway on the south side is at Hoyt street. On the north side there are entrances at Bridge street and at Duffield street. Thus, though two streets, each some distance away from Hoyt street, have entrances to the subway, neither of them is named under the present plan.

We appreciate the fact that the use of "Bridge" in the name of a subway station might be inadvisable because of the possibility of confusion in the minds of passengers; but Duffield street is not subject to such an objection and a name which would include Duffield street would more definitely identify the station.

There are, of course, thousands of people who will daily make use of this subway and have their destination east of it. Our own personal interest in the matter centers in the great number of these people who are customers of the Loeser store; the Duffield street exit landing them almost diagonally opposite the store's entrance.

It seems to us that Hoyt-Duffield street would more satisfactorily and accurately identify the station and we ask your Honorable Body to direct the change.

Yours respectfully,

FREDERICK LOESER & CO.,
(Signed) WALTER HAMMITT.

(15)

3050

The Secretary presented a communication from Frank G. Stark as to traffic conditions in Manhattan, advocating the establishment in the district centering in One Hundred and Twenty-fifth street of terminals of all transportation lines entering that section, for the purpose of making that section the shopping and amusement district in place of the present one between Twenty-third and Forty-second streets. The letter was referred to Commissioner Eustis.

(16)

2184

The Secretary presented a communication from Dr. George W. Brush transmitting a letter from the Prospect Heights Citizens' Association and the Flatbush Taxpayers' Association, expressing their opinion that the East River tunnel had shown its efficiency and value, and that extensions should be built as speedily as possible; urging the Commission to authorize the construction of a four-track extension

through Flatbush avenue to Parkside avenue, to be begun simultaneously with the Fourth avenue subway, and to be connected with the Interborough system, the Fourth avenue subway system, the Manhattan Bridge and the Broadway-Lafayette avenue subway loop; and to begin the construction of the Maiden Lane-Cranberry street tunnel to complete the system; calling attention to the fact that the Prospect Heights-Flatbush extension is the shortest line that could be built to accommodate so large a number of citizens; and recommending that the Flatbush avenue extension be advertised as part of the Fourth avenue subway system, if necessary to make the plan possible.

The communication was ordered filed.

(17)

ORDER FOR HEARING (No. 233).

O-233

The following resolution was moved and duly seconded:

Whereas, The Commission has received the petition of the Coney Island and Brooklyn Railroad Company, verified January 22, 1908, for an order authorizing an issue of bonds of said company of the par value of thirty thousand dollars (\$30,000), in payment of new cars, as in said petition set forth:

Resolved, That the said petition of the said Coney Island and Brooklyn Railroad Company be heard by and before the Public Service Commission for the First District on the 6th day of February, 1908, at 2.30 o'clock in the afternoon, and that the said company publish a notice of the said application and of the time and place of the said hearing in the following newspaper, published in the Borough of Brooklyn, City of New York, at least two days in succession before said hearing, and file proof of such publication with the Secretary of this Commission on or before the opening of the said hearing:

"The Brooklyn Daily Eagle."

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to conduct the hearing.

The above mentioned form of notice was as follows:

Notice is hereby given that an application of the Coney Island and Brooklyn Railroad Company to the Public Service Commission for the First District has been made for an order of said Commission authorizing an issue of bonds of the said company of the par value of thirty thousand dollars (\$30,000), for the purchase of ten (10) new cars, and that said application will be heard by the said Commission at its office, No. 154 Nassau street, Borough of Manhattan, New York City, on the 6th day of February, 1908, at 2.30 o'clock in the afternoon.

Dated Brooklyn, New York, January .., 1908.

CONEY ISLAND AND BROOKLYN RAILROAD COMPANY,

By.....

(18)

O-229

Commissioner Eustis presented the following order for hearing, and it was moved and duly seconded that the same be adopted by the Commission:

HEARING ORDER (No. 229).

In the Matter

of

The complaint of Francis P. Kenney, as
president of the High Bridge Taxpayers'
Alliance,

Complainant,

against

The New York Central and Hudson River
Railroad Company,

Defendant.

Upon the complaint herein of Francis P. Kenney, as president of the High Bridge Taxpayers' Alliance, dated December 19, 1907, on which Order No. 206 was issued January 17, 1908, and upon the answer of the New York Central and Hudson River Railroad Company, which was received by the Commission on January 29, 1908;

Ordered, That upon the matters therein a hearing be had on the 6th day of February, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission at No. 154 Nassau street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and proper, further

Ordered, That said Francis P. Kenney, complainant, and said New York Central and Hudson River Railroad Company be given at least three days' notice of such hearing, by service upon each of them, either personally or by mail, of a certified copy of this order, and that at such hearing they may be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

(19)

2014

APPLICATION OF THE CITY OF NEW YORK AS TO FIRST, SECOND AND THIRD STREETS, BOR-
OUGH OF QUEENS.

The Secretary presented the following communication from Counsel:

January 28, 1908.

Public Service Commission for the First District:

SIRS—Referring to the Secretary's letter of January 7, transmitting four applications of The City of New York, requesting your Commission to determine whether

certain streets shall pass over or under or at grade of the tracks of certain divisions of the Long Island Railroad Company, I beg to advise you as follows:

The application by The City of New York, dated December 18, 1907, refers to the crossing of the track of Northside Division of the Long Island Railroad by the proposed opening or extension of three new streets in the Borough of Queens, City of New York, namely,

First street, between Thomson avenue and Jackson avenue;

Second street, between Woodside avenue and Jackson avenue;

Third street, between Thomson avenue and Jackson avenue.

This application is made to your Commission as successor to the Board of Railroad Commissioners under section 61 of the Railroad Law. As the change of these grade crossings is a matter of construction or maintenance on the portion of a railroad within the First District, the application is properly made to your Commission under subdivision 3 of section 5 of the Public Service Commissions Law, even in the case of a steam railroad running from one district to the other.

Under section 61 of the Railroad Law, the following is the procedure in this case:

The City of New York shall give to the Railroad Company notice of intention to lay out the street.

The notice shall fix a day on which the railroad may be heard on the question of the necessity of the new street.

If the street is deemed necessary, the City shall apply to the Public Service Commission to determine whether the new street shall pass over or under or at grade of the railroad.

(The above steps have apparently been taken.)

The Public Service Commission shall appoint a time and place for hearing the application, and shall give reasonable notice of hearing, not less than ten days, to the following persons:

- (1) To the railroad company whose railroad is to be crossed by the new street.
- (2) To The City of New York.
- (3) To the owner of land adjoining the railroad and that part of the street to be opened or extended.

Upon the hearing the Public Service Commission, under section 61 of the Railroad Law, "shall determine whether such street, avenue or highway or new portion of a street, avenue or highway, shall be constructed over or under such railroad or at grade, and if said board determine that such street, avenue or highway shall be carried across such railroad above grade, then said board shall determine the height, the length and the material of the bridge or structure by means of which such street, avenue or highway shall be carried across such railroad, and the length, character and grades of the approaches thereto; and if said board shall determine that such street, avenue, or highway shall be constructed or extended below the grade, said board shall determine the manner and method in which the same shall be so carried under,

and the grade or grades thereof, and if said board shall determine that said street, avenue or highway shall be constructed or extended at grade, said board shall determine the manner and method in which the same shall be carried over said railroad at grade and what safeguards shall be maintained. The decision of the said board as to the manner and method of carrying such new street, avenue or highway, or new portion of a street, avenue or highway, across such railroad, shall be final, subject, however, to the right of appeal hereinafter given. The decision of said board rendered in any proceeding under this section shall be communicated within twenty days after final hearing to all parties to whom notice of the hearing in such proceeding was given or who appeared at such hearing by counsel or in person."

Under section 65 of the Railroad law, the expense of these alterations in grade crossings is to be paid half by the railroads and half by The City of New York.

The City having made application for the hearing above described, the next step is for the Commission to fix a time and place for a hearing.

The procedure of your Commission is the same in dealing with the application by The City of New York, dated December 18, 1907, and referring to the crossing the track of the Flushing and Northside Division of the Long Island Railroad Company by a proposed opening or extension of Grout avenue from Greenpoint avenue to Fisk avenue, in the Borough of Queens, City of New York, and the application by The City of New York, dated December 18, 1907, and referring to the crossing of the tracks of the Northside Division of the Long Island Railroad Company by the proposed opening and extension of two streets in the Borough of Queens, City of New York, namely,

Sixth street, between Thomson avenue and Seventh street;

Seventh street, between Thomson avenue and Jackson avenue.

The situation is quite different in regard to the fourth application by The City of New York, dated December 18, 1907, and referring to the crossing of the tracks of the Manhattan Beach Branch of the Long Island Railroad Company, and the tracks of the Brooklyn and Rockaway Beach Railroad Company by a proposed opening or extension of Hegeman avenue, between East Ninety-eighth street and New Jersey avenue, Borough of Brooklyn, City of New York, and this application is dealt with in a separate opinion.

I return you herewith the original applications of The City of New York, covering First, Second and Third streets, Queens Borough.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

On motion, duly seconded, the following was adopted:

NOTICE OF HEARING (ORDER No. 230-A).

In the Matter
of

The application of The City of New York relative to opening across the tracks of the Northside Division of the Long Island Railroad the following streets: First street, between Thomson avenue and Jackson avenue; Second street, between Woodside avenue and Jackson avenue, and Third street, between Thomson avenue and Jackson avenue, in the Borough of Queens, The City of New York.

An application having been made by The City of New York, under section 61 of the Railroad Law, to this Commission, to determine whether certain proposed new streets, namely, First street, between Thomson avenue and Jackson avenue; Second street, between Woodside avenue and Jackson avenue, and Third street, between Thomson avenue and Jackson avenue, all in the Borough of Queens, City of New York, shall pass over or under or at grade of the tracks of the Northside Division of the Long Island Railroad Company, and application having been made to the Public Service Commission for the First District by The City of New York for the appointment of a time and place for a hearing in relation thereto,

Resolved, That a hearing be had in the hearing room, in the office of the Public Service Commission for the First District, at No. 154 Nassau street, Borough of Manhattan, City of New York, at 2 p. m., February 20, 1908, and that at least ten days' notice of the said hearing be given to the proper persons, as required by law.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

2959

APPLICATION OF THE CITY OF NEW YORK AS TO GROUT AVENUE, BOROUGH OF QUEENS.

The Secretary also presented the following communication from Counsel:

January 28, 1908.

Public Service Commission for the First District:

SIRS—Referring to the Secretary's letter of January 7, 1908, transmitting four applications by The City of New York and asking for an opinion as to procedure, I beg to inform you that the procedure in the matter of the application by The City of New York, dated December 18, 1907, and referring to the crossing the track of the Flushing and Northside Division of the Long Island Railroad Company by a proposed opening or extension of Grout avenue from Greenpoint avenue to Fisk avenue, in the Borough of Queens, City of New York, is the same as that set forth in my letter of January 28, 1908, covering the crossing of the track of the Northside

Division of the Long Island Railroad Company by First, Second and Third streets, Borough of Queens.

I return you herewith the original application as to extension of Grout avenue.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

On motion, duly seconded, the following was adopted:

NOTICE OF HEARING (ORDER No. 230-B.)

In the Matter

of

The application of the City of New York, relative to opening across the tracks of the Flushing and Northside Division of the Long Island Railroad, the following street: Grout avenue, between Greenpoint avenue and Fisk avenue, Second Ward, Borough of Queens, City of New York.

An application having been made by The City of New York, under section 61 of the Railroad Law, to this Commission, to determine whether a certain proposed new street, namely, Grout avenue, between Greenpoint avenue and Fisk avenue, Second Ward, Borough of Queens, City of New York, shall pass over or under or at grade of the tracks of the Flushing and Northside Division of the Long Island Railroad Company, and application having been made to the Public Service Commission for the First District by the City of New York for the appointment of a time and place for a hearing in relation thereto,

Resolved, That a hearing be had in the Hearing Room, in the Office of the Public Service Commission for the First District, at No. 154 Nassau street, Borough of Manhattan, City of New York, at 2 p. m., February 20, 1908, and that at least ten days' notice of the said hearing be given to the proper persons, as required by law.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

2960

APPLICATION OF THE CITY OF NEW YORK AS TO SIXTH AND SEVENTH STREETS,
BOROUGH OF QUEENS.

The Secretary also presented the following communication from Counsel:

January 28, 1908.

Public Service Commission for the First District:

SIRS—Referring to the Secretary's letter of January 7, 1908, transmitting four applications by The City of New York and asking for an opinion as to procedure, I beg to inform you that the procedure in the matter of the application by the City of New

York, dated December 18, 1907, and referring to the crossing of the tracks of the Northside Division of the Long Island Railroad Company by the proposed opening and extension of two streets in the Borough of Queens, City of New York, namely,

Sixth street, between Thomson avenue and Seventh street,

Seventh street, between Thomson avenue and Jackson avenue,

—is the same as that set forth in my letter January 28, 1908, covering the crossing of the tracks of the Northside Division of the Long Island Railroad by First, Second and Third streets, Borough of Queens.

I return you herewith the original application as to opening and extension of Sixth and Seventh streets.

Respectfully yours,

(Signed) GEO. S. COLEMAN.
Counsel to the Commission.

On motion, duly seconded, the following was adopted:

NOTICE OF HEARING (ORDER No. 230-C.)

In the Matter

of

The application of The City of New York, relative to opening across the tracks of the Northside Division of the Long Island Railroad, the following streets: Sixth street, between Thomson avenue and Seventh street, and Seventh street, between Thomson avenue and Jackson avenue, Second Ward, in the Borough of Queens, City of New York.

An application having been made by The City of New York, under section 61, of the Railroad Law, to this Commission, to determine whether certain proposed new streets, namely, Sixth street, between Thomson avenue and Seventh street, and Seventh street, between Thomson avenue and Jackson avenue, both in the Borough of Queens, City of New York, shall pass over or under or at grade of the tracks of the Northside Division of the Long Island Railroad Company, and application having been made to the Public Service Commission for the First District by The City of New York for the appointment of a time and place for a hearing in relation thereto.

Resolved, That a hearing be had in the Hearing Room, in the office of the Public Service Commission for the First District, at No. 154 Nassau street, Borough of Manhattan, City of New York, at 2 p. m., February 20, 1908, and that at least ten days' notice of the said hearing be given to the proper persons, as required by law.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

APPLICATION OF THE CITY OF NEW YORK AS TO HEGEMAN AVENUE, BOROUGH OF
BROOKLYN.

The Secretary also presented the following communication from Counsel:

- January 28, 1908.

Public Service Commission for the First District:

SIRS—Referring to the letter of the Secretary of January 7, asking me to determine procedure and enclosing four applications of The City of New York, requesting your Commission to determine whether certain streets shall pass over or under or at grade of the tracks of certain divisions of the Long Island Railroad Company, I beg to advise you as follows:

The application by The City of New York, dated December 18, 1907, refers to the crossing of the tracks of the Manhattan Beach Branch of the Long Island Railroad Company, and the tracks of the Brooklyn and Rockaway Beach Railroad Company by a proposed opening or extension of Hegeman avenue, between East Ninety-eighth street and New Jersey avenue, Borough of Brooklyn.

From the papers now in the Franchise Bureau, it appears that the proposed extension of Hegeman avenue would cross two separate lines of railroad:

(1) The Manhattan Beach Division of the Long Island Railroad, formerly the New York, Brooklyn and Manhattan Beach Railroad.

(2) The tracks of the Brooklyn Union Elevated, formerly the Canarsie Railroad, and at one time the Brooklyn and Rockaway Beach Railroad.

These two lines of railroad are not more than two hundred feet apart at Hegeman avenue, the Brooklyn Union Elevated Railroad at this point running on Vesta avenue. The Long Island Railroad meets Vesta avenue, at or near New Lots road, within one thousand feet of Hegeman avenue, and from New Lots road north both roads run on Vesta avenue.

Your procedure in acting upon this application is the same as that outlined in my letter of January 24, 1908, covering the crossing of the tracks of the Northside Division of the Long Island Railroad by First, Second and Third streets, Borough of Queens, but this fact should be carefully noted.

By chapter 507 of Laws of 1903, and its amendment, by chapter 603 of Laws of 1905, by chapter 589 of Laws of 1905, by chapter 635 of Laws of 1905, and by chapter 735 of Laws of 1907, certain grade crossings on the line of the New York, Brooklyn and Manhattan Beach Railway Company (leased to the Long Island Railroad Company) and on the line of the Brooklyn Union Elevated Railroad were abolished, and the Brooklyn Grade Crossing Commission was formed (section 3), "to take the entire charge and control of the said improvement." The act as amended determined the points at which the tracks were to be elevated and depressed, leaving the details to the Brooklyn Grade Crossing Commission.

The line of the Manhattan Beach branch of the Long Island Railroad (formerly the New York, Brooklyn and Manhattan Beach Railroad Company), at the point

of intersection with the proposed extension of Hegeman avenue, is covered by that portion of the act dealing with the Bay Ridge improvement. The Brighton Beach improvement affects the Brooklyn Union Elevated Railroad Company, but not that portion of the line to be crossed by the Hegeman avenue extension.

It follows, therefore, that the Brooklyn Grade Crossing Commission has jurisdiction over the Long Island Railroad at Hegeman avenue, but not over the Brooklyn Union Elevated Railroad Company at that point.

I am informed that the attitude of the Brooklyn Grade Crossing Commission is that, while the act above referred to determines practically all the questions which your Commission would naturally deal with under section 61 of the Railroad Law, yet the act does not in its terms take the matter out of your hands.

They further state that the two crossings being so close together, they must of necessity be treated alike.

I am of the opinion that as to the crossing of Hegeman avenue by the Brooklyn Union Elevated Railroad, your Commission is free to act as it thinks best under the procedure outlined in my letter of January 24, 1908.

As to the crossing of the Long Island Railroad, I am of the opinion that under the act above referred to, the Brooklyn Grade Crossing Commission is empowered to direct and superintend the details of the construction of the railroad "so as to avoid future crossings at grade." There is, however, no distinct provision for the Brooklyn Grade Crossing Commission to act upon the opening of new streets. Section 3 of chapter 507 of Laws of 1903 reads in part as follows:

"There shall be a Board whose duty it shall be to direct and superintend the construction of said improvement, which Board shall be called the Brooklyn Grade Crossing Commission. * * *

The said Board are hereby authorized and directed to take entire charge and control of the said improvement, and to direct and superintend the construction of the same in conformity with the provisions of this act in a substantial and workmanlike manner."

The only reference to the laying out of new streets is contained in section 1 of the act, as amended by chapter 589 of Laws of 1905, which reads as follows (relating to Bay Ridge improvement):

" * * * Nothing in this act contained shall prevent the laying out, opening and construction of new streets, avenues or highways or portions of new streets, avenues or highways across the right of way of said railroad company between said terminus and said dividing line, pursuant to law, provided, however, that all such new streets, avenues or highways shall be carried over said railroad at sufficient height to allow proper and safe clearance for cars and locomotives using said railroad, or shall be carried under said railroad at such grade as shall permit the free use of such new street, avenue or highway unobstructed by any railroad crossing at grade, without in either case changing or altering the grade of the right of way and tracks of said railroad company as fixed and established by or pursuant to this act."

It would seem, therefore, that in laying out this new highway that your Commission is authorized to act under section 61 of the Railroad Law, but that your action is restricted by the above enactments. As the Brooklyn Grade Crossing Commission has already determined the details of the railroad construction, I assume that you would wish to act in harmony with them. Mr. Edwin C. Swezey, General Superintendent of that Commission, has expressed himself as desiring to act only after conferring with you, and I understand that he so informed the Corporation Counsel's office when the petition now before you was presented to the Brooklyn Grade Crossing Commission.

I am of the opinion that the Brooklyn Grade Crossing Commission is a proper party to be notified of the hearing you hold.

I send you herewith a roll of blue prints given to me by the Brooklyn Grade Crossing Commission, and which show the grades they have adopted for the Long Island Railroad at this point; also, a pamphlet containing in convenient form the laws and by-laws relating to the Bay Ridge and to the Brighton Beach improvement, with amendments to July 1, 1907.

The sections of this law now in force are found in this pamphlet as follows:

Section 1, in chapter 589 of Laws of 1905, on page C.

Sections 2, 3, 4, in chapter 507 of Laws of 1903, pages 12 to 18.

Section 5, in chapter 735 of Laws of 1907, page CC.

Sections 6, 7 and 8, in chapter 507, Laws of 1903, pages 21 to 23.

Section 9, in chapter 735 of Laws of 1907, page ii.

Sections 10, 11, 12, 13, 14 in chapter 507 of Laws of 1903, pages 25 to 29.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

On motion, duly seconded, the following was adopted:

NOTICE OF HEARING (ORDER No. 230-D).

In the Matter
of

The application of The City of New York relative to opening across the tracks of the Manhattan Beach Branch of the Long Island Railroad Company and the Brooklyn Union Elevated Railroad Company the following street: Hegeman avenue, between East Ninety-eighth street and New Jersey avenue, in the Borough of Brooklyn, City of New York.

An application having been made by The City of New York, under section 61 of the Railroad Law, to this Commission to determine whether a certain proposed new street, namely, Hegeman avenue, between East Ninety-eighth street and New Jersey

avenue, in the Borough of Brooklyn, City of New York, shall pass over or under or at grade of the tracks of the Manhattan Beach Branch of the Long Island Railroad Company and the Brooklyn Union Elevated Railroad Company, and application having been made to the Public Service Commission for the First District by The City of New York for the appointment of a time and place for a hearing in relation thereto,

Resolved, That a hearing be had in the Hearing Room, in the office of the Public Service Commission for the First District, at No. 154 Nassau street, Borough of Manhattan, City of New York, at 2 p. m., February 20, 1908, and that at least ten days' notice of the said hearing be given to the proper persons, as required by law.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to conduct the hearings upon the above applications.

(20)

3013

The Secretary presented the following communication from Bird S. Coler, President of the Borough of Brooklyn, which was referred to the Chief Engineer:

THE CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN, }
BROOKLYN, January 29, 1908.

The Honorable the Public Service Commission:

GENTLEMEN—In reply to your communication of the 22d inst., regarding the driving of wells on the line of the proposed Fourth avenue subway, under a contract made by the Department of Water Supply, in which you ask if there is further information in this matter which would be of benefit to the Commission, I enclose for your consideration copy of the original revocable permit which I issued to Silas W. Titus on July 19, 1907, allowing the driving of test wells in the locations described in his contract of July 15, 1907; and I send also copy of communication of the 2d inst., which I addressed to Hon. William C. Cozier, Deputy Commissioner of Water Supply, objecting to continuation of work on the line of the subway as an unwarranted encroachment on an important public work.

I understand that at your meeting of the 21st inst., when the Consulting Engineer of this office first brought this matter to your attention, the general features of the work proposed by the Department of Water Supply under the Titus contract were briefly outlined, and that he also explained that in laying the matter before Hon. John H. O'Brien, Commissioner of Water Supply, and repeating my protest against the continuation of well driving on Fourth avenue, which I had entered on several previous occasions, it was stated by Commissioner O'Brien that your Commission had, through one of your engineering staff, approved a continuation of this work as not interfering with the subway or the pipe galleries, which could be relocated so as to avoid encroachment of the Titus wells on the latest plans of your Chief Engineer.

This Titus contract was referred by the Board of Estimate to the Comptroller and reported upon favorably by him to the Board before a vote was taken. While 4 and 5 of the contract (CITY RECORD of August 2, 1907) indicate that the contractor was to acquire private property and "to construct on each site a well system complete with all necessary appurtenances," the provisions of paragraph 15 are so general in allowing "the contractor to place such wells and connections as he may desire on the public streets or highways" that I issued a general permit allowing wells to be driven in the streets of the Borough within the limits prescribed in the contract, but limiting the work to test wells, and as you see by letter of the 2d inst., subsequently protested against any permanent construction of this character along the line of the subway.

I am now laying the entire matter before the Mayor, bringing out these facts, but more especially noting the provisions of the contract under which an alteration in the terms of the contract, wherein the contractor has not apparently complied with the provisions of section 6, would require its reference to the Board of Estimate and Apportionment, in accordance with paragraph 471 of the Charter. I am also sending notice to the Department of Water Supply that the permit of July last is revoked so far as it allows the driving of any wells whatever on subway routes.

As to the disposition of the wells now located near the west curb of Fourth avenue, it seems advisable to have them cut off and capped at such time as the construction of the Fourth avenue subway in this location is about to commence.

I have recently been informed that the Department of Water Supply contemplated allowing these wells to be driven on Fourth avenue, from Atlantic avenue to Ninth street, and that the manholes, some 6 feet in diameter, with water main connections, would be a serious interference to subway construction and a direct interference with the location and construction of the pipe galleries which your Commission intend, according to the plans sent my Engineer, to place under the westerly sidewalk of Fourth avenue.

It does not seem probable that the provisions of paragraph 15 of the Titus contract would allow so serious an interference with public work, especially as the deep water-bearing strata cannot be limited to this location, and producing wells, as I set forth to the Deputy Commissioner some time ago, could as well be driven by Titus at some other location, without interference with the subway work.

Very truly yours,

(Signed) BIRD S. COLER,
President, Borough of Brooklyn.

January 29, 1908.

Notice is hereby given to Silas W. Titus, No. 662 Carroll street, Brooklyn, that the revocable permit allowing the driving of test wells in certain streets which was issued by me on July 19, 1907, is hereby annulled and revoked in so far as such permit

would allow the driving of wells for procuring water within the lines of Fourth avenue, between Atlantic avenue on the north and Bay Ridge parkway on the south, or within the lines of any street described in said permit in which the former Rapid Transit Commission, or their successors, the Public Service Commission of the First District, have laid out any rapid transit route, or in which relief sewers or other structures of public importance have been laid out or authorized.

(Signed) BIRD S. COLER,
President, Borough of Brooklyn.

July 19, 1907.

Permission is hereby given to Mr. Silas W. Titus, of No. 662 Carroll street, to make openings in the highways in the Borough of Brooklyn in the territories bounded as follows:

No. 1. Covert avenue, Cornelia street on the west, Hoffman boulevard on the east, Myrtle avenue on the south and Metropolitan avenue on the north, or as much of such territory as is in the Borough of Brooklyn.

No. 2. Eighteenth avenue, Eighty-first street, New Utrecht avenue, Fort Hamilton avenue, Ocean Parkway, Ocean avenue, Malbone street and Washington avenue on the east, Atlantic avenue on the north, New York Bay on the west, Gravesend avenue on the south. Said permit being granted for the purpose of making tests in accordance with the contract or agreement made between the said Silas W. Titus and The City of New York on July 15, 1907, and the said Silas W. Titus being required to report to the Superintendent of Highways all openings made by him in accordance with the provisions of this permit.

This permit is revocable at the discretion of the President of the Borough.

(Signed) BIRD S. COLER,
President of the Borough.

January 2, 1908.

Hon. WILLIAM C. COZIER, Deputy Commissioner of Water Supply:

DEAR SIR—In the matter of permit issued by me to Silas W. Titus on July 19, 1907, I call your attention to the fact that this permission was granted explicitly for the purpose of putting down test wells only in accordance with the application of Mr. Titus under his agreement with the City of July 15, 1907 (a copy of which is attached), and that the representations made to me at that time, and my entire understanding of the matter, were not that locations for permanent wells had been asked for in the city streets.

From the number and location of the wells which you are having driven on Fourth avenue, it would appear that you contemplate authorizing these as permanent wells, to be operated by Titus during the term of his contract and taken over by the City at its termination.

Assuming that these are so intended as permanent wells, I am strongly of the opinion that all work along the line of the subway should be discontinued, as an unwarranted encroachment on a very important public work, and in any case the further driving of test wells along this route is inadvisable, and use of those in place should be terminated probably within six months from date.

Yours very truly,

(Signed) BIRD S. COLER,
President, Borough of Brooklyn.

(21)

Req.

Commissioner McCarroll, to whom had heretofore been referred the request from Hon. J. Mayhew Wainwright, Chairman of the Committee on Railroads of the Assembly, inquiring as to Assembly Bill No. 39, and the opinion of George S. Coleman, Counsel to the Commission, for the purpose of drafting a suitable reply, presented the following correspondence thereon, which was ordered filed:

ALBANY, January 22, 1908.

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission, First District, New York City:

DEAR SIR—On behalf of the Committee on Railroads, I desire to call your attention to Assembly Bill No. 39, introduced by Mr. Wagner, and request whether the purpose of, or the legislative action proposed by this is within the power of your Commission; also whether any application has been made to your Commission for an order reducing fares as contemplated in this bill, and, if so, what action, if any, has been taken by your Commission thereon. Further, that if any such proceeding has been taken, you will furnish us with the evidence produced before your Commission therein. The Committee will also be glad to receive any views that your Commission may desire to express upon the wisdom or justice of the proposed measure.

As a hearing before this Committee on this bill has been set for next Wednesday, January 29, we will appreciate it if the above request will be complied with before that date.

Very respectfully yours,

J. M. WAINWRIGHT, Chairman.

NEW YORK, January 28, 1908.

The Hon. J. MAYHEW WAINWRIGHT, Chairman, Committee on Railroads, Assembly Room, Albany, N. Y.:

DEAR SIR—In further acknowledgment of your communication of January 22, calling the attention of this Commission to Assembly Bill No. 39, introduced by Mr. Wagner, and requesting whether the purpose of the legislative action proposed by this is within

the power of this Commission, and whether any application has been made for an order reducing fares, and, if so, what action, if any, has been taken by this Commission thereon, and further stating that your Committee will be glad to receive the views which this Commission may desire to express upon the wisdom or justice of the proposed measure, I desire to state that your request was referred by the Commission to its Counsel for his opinion thereon, and that such opinion was received by the Commission to-day. In so far as the proposed bill bears upon existing rates and obligations under contracts between companies, he is of the opinion that the Commission is given sufficient power to do, after a hearing, all that the proposed bill can accomplish, and possibly more.

He adds, in his opinion, however, that should it be found, notwithstanding, to be the purpose of the legislature, to enact such measure, it should be considered that in fixing obligations for a single five-cent fare which are to be assumed by corporations entering in future into contracts of the nature described in the bill, the act will accomplish something which the Commission has not now the power to effect, but that it seems very important that the definition of the word "control," as including control by stock ownership, should be more clearly specified than it is at present in this proposed act; that the word "corporation" which holds control should include individuals or associations of individuals not incorporated; that inasmuch as the persons whose control is by virtue of stock ownership do not themselves operate the road or charge fares for transportation, there ought to be a clause forbidding them to allow a greater rate to be charged for transportation than the amount specified, and that the exception of the steam road and the trunk line in sections 101 and 104 of the Railroad Law, as proposed, should not exempt them entirely from fare regulation or reduction, either as to their own lines or other lines which they may operate or control, which is the effect of the bill as at present drafted.

In reply to your question as to whether any application has been made to this Commission, I desire to state that no application has been made for an order reducing fares as contemplated by this bill. It is, therefore, impossible to furnish you with any evidence upon the subject. I may add, however, that owing to the shortness of time since the receipt of your communication, the Commission has not had opportunity to give full consideration to the measure, and that if you desire a further expression of its views, it will communicate them if requested.

Yours very truly,

(Signed) TRAVIS H. WHITNEY, Secretary.

(22)

O-231

The Secretary presented a petition of John H. O'Brien, Commissioner of Water Supply, Gas and Electricity, as follows:

PUBLIC SERVICE COMMISSION, FIRST DEPARTMENT.

PETITION.

In the Matter
of

The petition of John H. O'Brien, Commissioner of Water Supply, Gas and Electricity of The City of New York, for an order directing the New York Central and Hudson River Railroad Company to place its electrical conductors underground within the limits of The City of New York.

To the Public Service Commission, First Department:

The petition of John H. O'Brien, Commissioner of Water Supply, Gas and Electricity of The City of New York, respectfully shows:

1. That on or about the 8th day of October, 1906, pursuant to law, the Hon. George B. McClellan, Mayor of The City of New York, as such, appointed your petitioner Commissioner of the Department of Water Supply, Gas and Electricity of said City of New York, and your petitioner thereupon duly qualified as such Commissioner and has continued as such, and still is the Commissioner of Water Supply, Gas and Electricity of the said The City of New York.

2. That under and by virtue of the Greater New York Charter, and particularly sections 469 and 528 thereof, your petitioner has cognizance and control of the use and transmission of electricity for all purposes within the limits of The City of New York and of the construction therein of electrical mains, conduits, conductors, subways and of the erection of poles for the transmission of electricity.

3. That the New York Central and Hudson River Railroad Company, the company complained of, was created a steam surface railroad on November 1, 1869, and is engaged in the business of operating a railroad for the carrying of passengers and freight and maintains tracks and operates cars thereon for that purpose within the limits of The City of New York.

4. That pursuant to Chapter 425 of the Laws of 1903 and the consent of The City of New York granted thereunder, said New York Central and Hudson River Railroad Company has changed the motive power of its railroad from steam to electricity and is now operating its railroad by electricity within the limits of The City of New York.

5. That pursuant to section 528 of the Greater New York Charter, said New York Central and Hudson River Railroad Company applied to the Commissioner of Water Supply, Gas and Electricity for a permit to electrify its road, and on or about June 9, 1906, William B. Ellison, the then Commissioner of Water Supply, Gas and Electricity of The City of New York issued a permit therefor, which was accepted by said com-

pany, a copy of which, together with accompanying letter to said company, is annexed hereto, made a part hereof and marked Exhibit "A," which permit provides in part:

"Nothing in this permit shall be construed as allowing or authorizing the erection, construction, maintenance and operation of a pole line, over-head transmission conductors or feeder conductors along tracks or over any part of the territory embraced within the limits of The City of New York."

6. That despite the express provisions of said permit and lack of authority from your petitioner, said New York Central and Hudson River Railroad Company constructed and is now maintaining an overhead high tension transmission pole line and conductors along the railroad of such company, beginning at a point north of Macomb's Dam Bridge along the Harlem River and along the Harlem Ship Canal and along the Hudson River to the city line.

7. That such overhead high tension pole line and conductors are maintained and operated without legal authority and in violation of the law, and are a menace to the lives and property of the passengers and employees of said road, to the residents of The City of New York along said route, to users of the streets and highways crossed by said road and to the structure of the Interurban Rapid Transit Railroad at Kingsbridge and the users of the railroad thereon.

8. That on or about the 18th day of October, 1907, your petitioner addressed a communication to the said New York Central and Hudson River Railroad Company, a copy of which is annexed hereto and made a part hereof, marked Exhibit "B," in which your petitioner said that if the said New York Central and Hudson River Railroad Company did not place its high tension system underground, he would apply to the Public Service Commission for an order compelling such removal. The said railroad company has ignored said communication and still continues to maintain and operate overhead the high tension system of its railroad.

Wherefore your petitioner prays that under and pursuant to the authority conferred on the Public Service Commission for the First Department by Chapter 429 of the Laws of 1907, your Honorable Commission shall issue an order directed to the said New York Central and Hudson River Railroad Company requiring that the matters herein complained of be satisfied, or that the charges herein contained be answered in writing within a time to be specified by your petitioner, and that for failure of the said company to cease to commit the said violation of law, that your Commission shall investigate such charges and take action thereon to the end that the said violation of law may be stopped and the rights and property of the citizens of New York along the route, or traveling in the cars of the said New York Central and Hudson River Railroad Company may be safeguarded and your petitioner will ever pray.

(Signed) JOHN H. O'BRIEN, Petitioner.

FRANCIS K. PENDLETON, Corporation Counsel, Attorney for Petitioner, Hall of Records, Borough of Manhattan, New York City.

State of New York, }
County of New York, } ss.:

John H. O'Brien, being duly sworn, says he is the petitioner named in the foregoing petition, and that the same is true to his knowledge, except as to matters therein stated to be alleged upon information and belief and that as to those matters he believes it to be true.

(Signed) JOHN H. O'BRIEN.

Sworn to before me this 23rd day of January, 1908.

(Signed) JOHN A. LANGOL, Commissioner of Deeds, New York City.

"A."

CITY OF NEW YORK—DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY, }
Nos. 13 to 21 Park Row, }
NEW YORK, June 5, 1906. }

PERMIT No. 26.

J. C. BRACKINRIDGE, Esq., *Consulting Engineer Electrical Department, New York Central and Hudson River Railroad Company, City:*

DEAR SIR—I have compared the amended permit submitted by you on behalf of the New York Central and Hudson River Railroad Company, for the electrification of their railroad within the limits of New York City, and herewith transmit to you a new form of permit authorizing the electrical construction necessary for the operation of an electrical railway; which it is requested the Railroad Company will sign, then secure the signatures of the Presidents of the Boroughs of Manhattan and of The Bronx, and you will then please return same to this office where it will be properly recorded and made valid.

Your early attention is urged.

Respectfully,

(Signed) WILLIAM B. ELLISON, Commissioner.

PERMIT No. 26.

OFFICE OF THE DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY, }
BOROUGH OF MANHATTAN AND THE BRONX, }
NEW YORK, March 27, 1906. }

WILLIAM B. ELLISON, *Commissioner.*

PERMIT FOR THE CONSTRUCTION OF ELECTRICAL CONDUCTORS AND APPARATUS FOR THE
OPERATION OF ELECTRIC RAILWAYS.

To the New York Central and Hudson River Railroad Company:

The above-named company having on the 24th day of August, 1905, and February 8, 1906 (the latter being accompanied by a portfolio containing "a short general description of the proposed electrification of the New York Central and Hudson River Railroad Company within the limits of New York City," dated January 29, 1906), made application for a permit authorizing the construction of necessary tile and pipe insulated conduits, cable conductors, power stations, sub-stations, battery

stations, electric cars, electric locomotives and apparatus for the purpose of operating its railroad by means of electric motive power, and has submitted plans and maps showing the proposed method of construction.

Permission is hereby granted to the New York Central and Hudson River Railroad Company to construct, operate and maintain electrical conductors, devices and fixtures as above, in accordance with the plans and specifications submitted, for the exclusive use of the railroad operated by said company, with the exception of the proposed subway construction shown in said maps and plans, through East One Hundred and Fiftieth street from the tracks of the Port Morris Branch to the tracks of the Harlem Division of the New York Central and Hudson River Railroad; and through East One Hundred and Ninety-fourth street and Kingsbridge road from the tracks of the Harlem Division to the power station located at Kingsbridge.

1. Beginning at a point in New York City known as the Grand Central Depot, Park avenue and Forty-second street, through and along Park avenue to and across the Harlem River, continuing along Park avenue to a point at or near One Hundred and Fiftieth street; thence through and along the right of way now operated by said company along the banks of the Harlem River and Harlem Ship Canal, and along Harlem Ship Canal to Spuyten Duyvil, thence northerly along the Hudson River to the city limit.

2. Commencing at or near a point known as One Hundred and Fiftieth street and Park avenue, where the lines of the New York Central and Hudson River Railroad and the lines of the Harlem Division of the New York Central and Hudson River Railroad meet, northerly along Park avenue on the right of way said company is now occupying, to the city line.

3. Commencing at a point at the East River, Borough of The Bronx, known as Port Morris, through and along the right of way said company is now occupying, to where the tracks of the Port Morris Branch of the New York Central and Hudson River Railroad connect with the tracks of the Harlem Division of the New York Central and Hudson River Railroad.

4. Commencing at a point known as Eighth avenue and Harlem River, Borough of Manhattan, New York City, crossing the Harlem River to the right of way occupied by the tracks of the Putnam Division of the New York Central and Hudson River Railroad, thence northerly along said right of way to a point known as Van Cortlandt Park Station, all of which work is authorized by the provisions of Chapter 425 of the Laws of 1903.

This permit is granted upon the following express conditions, which are accepted by the applicant by the acceptance of this permit:

1. Nothing in this permit shall be construed as authorizing the New York Central and Hudson River Railroad Company to take up the pavements, construct, maintain or operate electrical conductors in any street or avenue in The City of New York other than those specifically mentioned in this permit.

2. Nothing in this permit shall be construed as allowing or authorizing the erection, construction, maintenance and operation of a pole line, overhead transmission conductors or feeder conductors, along the tracks or through any part of the territory embraced within the limits of The City of New York.

3. The said company shall indemnify and hold The City of New York harmless from all damages and costs by reason of injury to person or property or the acts or omissions of the applicant, its agents, servants or employees, arising directly or indirectly from the opening of the streets in question for this construction or the operation of the same, or by reason of any failure to repair the streets to the satisfaction of the President of the Borough of Manhattan and the President of the Borough of The Bronx.

4. The streets shall be repaved to the satisfaction of the President of the Borough of Manhattan and the President of the Borough of The Bronx.

5. This permit shall be void unless construction authorized herein shall be completed on or before July 1, 1909.

6. All the rules and regulations of this department for the construction, care, maintenance and operation of poles, wires, conduits, subways and other electrical appliances in, on, over or under the streets or in buildings in The City of New York shall be complied with.

7. Nothing herein contained shall be construed as an admission of the truth of any of the statements upon which this application is based, nor as a waiver of the rights to revoke the same at any time, if they are not true, or for any other reason or any violation of those conditions.

8. No portion of any structure laid under this permit shall be built nearer than one foot from existing water mains, that at least one foot clear space shall be left between existing water mains and the construction authorized by this permit, and that no portion of this construction shall be built over any water mains.

No change to existing water mains shall be made without the permit of the Commissioner, and unless the plan showing the desired change has been submitted to and approved by the Chief Engineer of the Department of Water Supply, Gas and Electricity; and all such changes shall be made under his supervision, and at the expense of the applicant.

Access to existing water mains shall not be prevented or in any manner obstructed by changes made to subway, gas or other mains, or other sub-surface structures due to this reconstruction or any work done under this permit.

9. In case the Commissioner of Water Supply, Gas and Electricity desires in the future to lay new mains or change the old one, and such work should necessitate a change in the ducts for underground feeders constructed under this permit, the applicant agrees to make such change at its own expense on the request of the said Commissioner.

10. No work shall be done except under the supervision of, to the satisfaction of and in the presence of inspectors appointed by the Commissioner of Water Supply,

Gas and Electricity, and said company shall notify the Chief Engineer of said Department immediately before commencing work under this permit, in order that such inspectors may be detailed, and shall pay for the services of said inspectors at the rate of One Hundred and Twenty (\$120) Dollars per month each, during the time the work under this permit shall be actually in progress.

11. This permit shall be of no effect until and unless the same shall be issued in quadruplicate and accepted in quadruplicate by the said company, together with all the conditions and provisions above specified, and approved by the President of the Borough of Manhattan and the President of the Borough of The Bronx.

WILLIAM B. ELLISON,
Commissioner of Water Supply, Gas and Electricity.

The New York Central and Hudson River Railroad Company hereby accepts the terms and conditions of the above permit this 9th day of June, 1906.

WILLIAM J. WILGUS, Vice-President, E. W. K.

Approved

1906.

JOHN F. AHEARN,
President Borough of Manhattan.

Approved

1906.

LOUIS F. HAFFEN,
President Borough of The Bronx.

"B."

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY, }
COMMISSIONER'S OFFICE, NOS. 13 TO 21 PARK ROW, }
NEW YORK, October 18, 1907.

*New York Central and Hudson River Railroad Company, Grand Central Depot,
Forty-second Street and Fourth Avenue, New York:*

GENTLEMEN—Since our conference of July 29 I have had the overhead construction of your 11,000-volt transmission lines crossing streets, etc., and along your right of way in the Borough of The Bronx, carefully examined by the Consulting Engineer of this Department, Mr. George F. Sever, and the Chief Engineer of Light and Power, Mr. C. F. Lacombe. Copies of their reports are attached hereto.

After careful consideration of these reports and the opinions of the Corporation Counsel's office, it appears to me that it is my duty to order that you make certain temporary changes in the present construction for the strengthening and additional safety of same, and endeavor to arrange that within a reasonable time thereafter you place all the wires of your high tension system underground on streets, etc., and along your right of way.

At our last conference the counsel for your road, Mr. Harris, advised me that he did not recognize my jurisdiction as to this high tension construction on your

right of way. At this conference, however, there was no dispute as to my jurisdiction where your wires exist on or across streets, public places and so on in The City of New York. This makes a problem which I think should be solved with as little delay and litigation as is possible, and I assume that the railroad as well as the City would be glad to have the matter finally determined.

The Corporation Counsel in his opinion to me of September 20, 1907, states as follows:

Department of Water Supply, Gas and Electricity.

N. Y. C. & H. R. R. Co.—2.

10/10/1907.

"As I have already stated several times, I believe that the jurisdiction of your Department, which is practically unquestionable as to the streets across the railroad, also extends to the entire right of way, but, of course, there may be enough in the doubt raised by the counsel for the company as to the jurisdiction of your Department to produce litigation and delay.

It being of vital importance in this matter that action should promptly be taken, I suggest that you confer with the Public Service Commission in the First District, and either by concurrent action with it, or if it should appear preferable by an application to it to exercise its powers under section 49 of the Public Utilities Law to make provision for the necessary changes in the electric system in question.

Section 49 of the Public Utilities Law, so far as relevant, is as follows:

'Whenever the Commission shall be of opinion after hearing had upon its own motion or upon complaint that the regulation, practices, equipment, appliances or service of any such common carrier, railroad corporation or street railroad corporation, in respect to the transportation of persons, freight or property within the State are unjust, unreasonable, unsafe, improper or inadequate, the Commission shall determine the just, reasonable, safe, adequate and proper regulations, practices, equipment, appliances and service thereafter to be enforced and to be observed in respect to such transportation of persons, freight and property, and so fix and prescribe the same by order to be served upon every common carrier, railroad corporation and street railroad corporation to be bound thereby, and thereafter it shall be the duty of every common carrier, railroad corporation and street railroad corporation to observe and obey each and every requirement of every such order so served upon it, and to do everything necessary or proper in order to secure absolute compliance with and observance of every such order by all its officers, agents and employees.'

I think, therefore, your course should be as follows: While it is your duty to cause such change or modification of the system as shall make it safe, you must, of course, perform it in a reasonable manner, and give the company, should it desire it, such time as may be necessary to make the changes directed by you.

You should, therefore, communicate with the company and ascertain positively whether it intends to obey such order as you may give in this matter, and if it shows

a reasonable spirit and agrees to comply with your directions, the only thing remaining to be done will be to give such directions which may be necessary, and see that they are carried out within a reasonable time.

If, on the contrary, the company declines, as indicated by their counsel, to recognize your authority, then I think your duty will be, in the first instance at least, not to take action, which, as you truly observe, would produce litigation and delay, but to lay the matter before the Public Service Commission of the First District, and request it to exercise the broader authority conferred upon it by the section 49 previously mentioned.

It would be preferable, in view of the apparent duplication of authority conferred upon the Public Service Commission and your Department, to give an order from each for the making of the necessary changes, but such a course would be difficult, and the fact that two different authorities were supervising the same work might give rise to uncertainties and the very delays which we are seeking to prevent.

The City's course, therefore, if the company disputes your authority, is to appeal to the Public Service Commission, as I suggested, and request its action."

The above advice, as you will note, points out that the speediest method, as well as the one least open to dispute, is to submit the entire question to the Public Service Commission.

The only alternative course which could be pursued is that this Department should order you to place your lines under ground, where they cross the streets, public places, etc. The legality of this course is unquestioned, and while it may have to be resorted to it is condemned entirely by my engineers on technical grounds. They state that it would result in an electrically weak system on account of the numerous joints between overhead and underground wires, on account of the weakening of the resistance of the line as to insulation against lightning, the difficulty in locating line troubles and electrical defects on such a mixed system, and also the difficulty in maintaining it.

As your railroad is a very important one, and as there is no desire on the part of the City to either cripple or interfere with the operation of it, it would appear that this course would not produce satisfactory results.

My Engineers also assure me that the equipment can be placed underground in its entirety without any great difficulty, and that it can be operated in the long run probably better and more economically from underground lines than from overhead lines. As you know, a number of underground lines of this voltage are now operating successfully in the city.

I also note, from correspondence submitted to me by the Board of Estimate and Apportionment, between the Hon. John H. Starin, Vice-President of the Rapid Transit Commission, and President Newman of the New York Central and Hudson River Railroad Company, that the railroad also realizes some of the objections of a mixed system.

At the conference of July 29 it was suggested that a further conference might be held after an investigation of the matter had been made by me, to discuss the matter further if necessary.

With the information that is now before me, for the reasons I have stated above, it is my intention to follow the advice of the Corporation Counsel, issue the necessary order and refer the matter to the Public Service Commission, whose authority under the law to deal with the subject at large is not questioned. Before finally doing so, should you desire to have me further consider the matter, I would be glad to appoint a date for another conference and consider further arguments which you may care to make. I am,

Yours very truly,

.....

Commissioner, Department of Water Supply, Gas and Electricity.

Commissioner Eustis thereupon moved the following order for satisfaction and answer, which was thereupon approved and confirmed and ordered filed in the office of the Commission:

COMPLAINT ORDER (No. 231).

John H. O'Brien, Commissioner of Water
Supply, Gas and Electricity of The City
of New York,

Complainant,

against

New York Central and Hudson River
Railroad Company,

Defendant.

This matter coming on upon the complaint of John H. O'Brien, Commissioner of Water Supply, Gas and Electricity of The City of New York, by which it appears that said complainant is aggrieved by acts done or omitted to be done by said defendant, New York Central and Hudson River Railroad Company, and set forth in said complaint, which are claimed to be in violation of some provision of law or of the terms and conditions of defendant's franchise or of an order of this Commission.

Now, upon said complaint, it is

Ordered, That a copy of the said complaint be forwarded to the said defendant and that the matters therein complained of be satisfied or the charges in said complaint set forth be answered by said defendant within ten days after service upon it of this order, exclusive of the day of service.

(23)

C-1251

Commissioner Eustis presented the following report, and on motion, duly seconded, the Secretary was directed to send a copy thereof to the High Bridge Taxpayers' Alliance:

To the Public Service Commission for the First District:

In the matter of the communication received from the Secretary of the High Bridge Taxpayers' Alliance, inclosing a copy of a resolution passed by said Alliance on the 7th day of January, 1908, and which was referred to me, I beg to report:

That the statement in the first resolution wherein said Alliance protests against the recent order of this Commission requiring all Ogden avenue cars of the New York City Interborough Railway Company to continue up Aqueduct avenue instead of crossing Washington Bridge to the subway station, is incorrect, and that no such order has been issued by this Commission. The order evidently referred to was the order of this Commission, No. 158, in which the said railway company was ordered to maintain a service from One Hundred and Fifty-fifth street and Eighth avenue to Kingsbridge road along Ogden avenue and Aqueduct avenue on a schedule of not less than ten minutes headway during the greater portion of the day. There is plenty of time between said cars for through service up Ogden avenue and across Washington Bridge were the same necessary.

And the further resolution passed by said Alliance that this Commission be requested to issue an order providing for adequate service of through cars over the Ogden avenue line to the said One Hundred and Eighty-first street station of the subway is not, in my opinion, required by the travel.

The people along the line of Ogden avenue who use this line of cars live between One Hundred and Sixty-first street and about One Hundred and Sixty-ninth street, and if they wished to go to their business down town by the proposed new route they would have to travel north on the Ogden avenue line nearly half a mile, and then west over Washington Bridge nearly half a mile further, and then south on the subway.

It was found during the period that the said railway company operated the line from One Hundred and Fifty-fifth street to One Hundred and Eighty-first street station that very few passengers used said line beyond the northerly limits of High Bridge, and that the cars crossing Washington Bridge to One Hundred and Eighty-first street never had more than three or four passengers, and often none at all, as shown by the examinations made during the time said line was in operation.

If the High Bridge Taxpayers' Alliance believe such a line is necessary, and can furnish evidence that there is a sufficient demand for it to require the establishing of a separate line, that would be the subject of a separate and distinct order from the one referred to in their resolutions; but it is my opinion that the few people that desire to travel from High Bridge north to Washington Bridge, and thence across the river to One Hundred and Eighty-first street station of the subway, are sufficiently accommodated by transfer at the east end of Washington Bridge to One Hundred and Eighty-first street.

It must be borne in mind that the present service from One Hundred and Fifty-fifth street to Kingsbridge road is a direct north and south line, and is one that brings the people most directly to the elevated station by which it is desirable to

divert as many of the passengers as possible along the line of that road to the elevated line, as this line is not anywhere near as congested during the rush hours morning and night as the subway line is, and it would furnish the greatest relief to do everything in our power to relieve the congested condition of the subway at such times.

Respectfully submitted,

(Signed) JOHN E. EUSTIS, Commissioner.

Dated January 28, 1908.

(24)

O-232

REPORT AND DISMISSAL ORDER.

Commissioner Eustis presented the following report and order:

To the Public Service Commission for the First District:

The undersigned, to whom was referred the complaint against the Interborough Rapid Transit Company for the lack of tools for use in case of accident on the cars of the subway, begs to report as follows:

This hearing was given to ascertain whether the Interborough Company were complying with the law in running their cars without a kit of tools in each car, as provided in subdivision 6 of section 49 of the Railroad Law, and also whether they were complying with the terms of their contract with the City, which required them to operate the railroad carefully and skillfully according to the highest known standards of railway operation.

It appeared upon the hearing that the railway company maintained complete wrecking outfits, consisting of rerailing, frogs, jacks, chains, block and fall, wrenches, bars, wedges, etc., at eight different stations along the main line, at six of the stations on the Broadway line north of One Hundredth street, and at six of the stations on the Lenox avenue line north of One Hundred and Tenth street, and that also at every station emergency tool kits were contained, such as hand-saws, hack-saws, axes, chisels, bars, wrenches, pliers, etc., and that in the judgment of the management of the railroad, the tools provided at such stations would be far safer and better for use in the case of any accident than would be the case if tools were carried in the cars. I am of the opinion that they are correct in their judgment, in view of the fact that during the crowded rush hours it would be impossible to handle the tools in any of their cars even if they were there, and better service could be secured with the tools if they were brought from a nearby station and used by experienced persons. It must not be forgotten that many of the cars in use on this road are of steel construction, and the tools are of steel, and there is grave danger from the live third rail, especially if such tools were handled by inexperienced persons.

It is my opinion that subdivision 6 of section 49 of the Railroad Law was not intended to apply to an electric city railroad, but to steam railroads.

I would, therefore, recommend that the complaint be dismissed.

(Signed) JOHN E. EUSTIS, Commissioner.

Dated January 28, 1908.

Commissioner Eustis thereupon moved the adoption of the following order:

DISMISSAL ORDER (No. 232).

In the Matter
of

The hearing on the motion of the Commission on the question of an improvement in and addition to the property or devices of the Interborough Rapid Transit Company.

Tools for use in case of accident.
Under order for hearing No. 162.

This matter coming on upon the report of the hearing had herein on January 23, 1908, and it appearing that the said hearing was held by and pursuant to an order of this Commission, No. 162, made the 20th day of December, 1907, to inquire whether the regulations, equipment and appliances of the Interborough Rapid Transit Company in respect to transportation of persons in the First District were unsafe, improper or inadequate, and it further appearing that the said order was duly served upon the Interborough Rapid Transit Company and that the said service was by said company duly acknowledged and that the said hearing was held by and before the Commission on the matters in said order for hearing specified on January 23, 1908, at which hearing Mr. Commissioner Eustis presided and Alfred E. Mudge, Esq., appearing for the Interborough Rapid Transit Company, and Arthur DuBois, Esq., Assistant Counsel, appearing for the Public Service Commission for the First District; it is

Ordered, That the said proceedings be dismissed without prejudice to an order for further or additional hearings and action thereon by the Commission in respect of any matters covered by said order for hearing No. 162 or the proceedings thereon.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

(25)

O-234

The Secretary presented the following order for hearing, and it was moved, and duly seconded, that the same be adopted by the Commission:

HEARING ORDER (No. 234).

In the Matter
of

The hearing on the motion of the Commission on the question of how the duty imposed under an order of the Commission made December 30, 1907, directing the New York City Railway Company, or Adrian H. Joline and Douglas Robinson, its receivers, on and after February 15, 1908, to turn out not fewer than ten cars daily, not including Sundays and holidays, overhauled and repaired as provided in said order, should be divided between said New York City Railway Company, or its said receivers, and the Third Avenue Railroad Company, or Frederick W. Whitridge, its receiver.

An order, being Order No. 179, having been duly made by the Commission on December 30, 1907, in a proceeding entitled In the Matter of the Hearing on the Motion of the Commission on the Question of Repairs, Improvements and Additions to Equipment and Appliances, Including Rolling Stock, of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of said company, in the particulars in said order set forth, and said Adrian H. Joline and Douglas Robinson, as said receivers having thereafter and on the 4th day of January, 1908, notified the Commission in writing that they would use their best endeavors to obey said order, and thereafter and on or about January 6, 1908, an order having been made by Hon. E. Henry Lacombe, Circuit Judge of the United States in a suit duly instituted in the United States Circuit Court for the Southern District of New York, by the Central Trust Company of New York against the Third Avenue Railroad Company and others, wherein and whereby one Frederick W. Whitridge was appointed receiver of certain property whereof said Adrian H. Joline and Douglas Robinson had theretofore been the receivers, and the question having arisen as to how the duty imposed under said order of the Commission should be divided between the said New York City Railway Company, or its said receivers, and the Third Avenue Railroad Company, or its said receiver.

It is hereby

Ordered, That a hearing be held on the 13th day of February, 1908, at 10.30 o'clock in the forenoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to inquire and determine how the duty imposed under said order of the Commission should be divided between said New York City Railway

Company, or its said receivers, and the Third Avenue Railroad Company, or its said receiver; and it is further

Ordered, That the New York City Railway Company, and its said receivers, and the Third Avenue Railroad Company, and its said receiver, be given at least ten days' notice of such hearing, by service upon them, personally or by mail, of certified copies of this order, and that at such hearing they and each of them be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Maltbie to conduct the hearing.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, FEBRUARY 4, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners Milo R. Maltbie, John E. Eustis.

(1)

3122

The Secretary presented the following resolution adopted by the Board of Aldermen on January 28, 1908, and transmitted to this Commission:

Whereas, The danger to life and limb at the crossing of the Long Island Railroad at the junction of Fresh Pond road and Sherman street, Glendale, in the Borough of Queens, is growing in alarming proportions, and should be checked ere there be a frightful catastrophe; therefore

Resolved, That the Board of Aldermen urges upon the Public Service Commission for the First District to compel the Long Island Railroad Company to establish and maintain safety gates or other equally reliable devices or appliances at the said crossing so that the present attendant dangers may be minimized, if not wholly eliminated. The resolution was referred to Commissioner Bassett.

(2)

3121

The Secretary presented the following resolution, adopted by the Board of Aldermen on January 28, 1908, and transmitted to this Commission:

Whereas, The conditions prevailing at the stations of the subway at One Hundred and Sixty-eighth street and One Hundred and Eighty-first street, on the west side of Broadway branch, are a menace to the health of those who are compelled to use them because of the severe draughts raised by the powerful suction of the elevators used for purposes of ingress and egress, the wells or hoistway shafts of said elevators having a depth of more than a hundred feet; and

Whereas, The said conditions at the points named are particularly discomforting and means of annoyance to women in that their clothing is disarranged, often making it extremely embarrassing for them; and

Whereas, Constant complaint for relief has brought no answer, nor has any apparent effort been made on the part of the operating company to relieve what is an indelicate situation for thousands of people; therefore

Resolved, That the Public Service Commission for the First District be and hereby is earnestly requested to give attention to the plaint herein set forth, and to exact that the Interborough Rapid Transit Company adopt, at as early a day as practicable, some measure of relief from the deplorable conditions from which thousands of people daily suffer at the subway points named.

The resolution was referred to the Chief Engineer for report as to a possible remedy.

(3)

2532

The Secretary presented a communication from William M. Laurence, Assistant Secretary of the Board of Estimate and Apportionment, transmitting the following resolution, adopted by that Board on January 24, 1908:

Resolved, That, pursuant to the provisions of section 10 of chapter 4 of the Laws of 1891, as amended, and section 14 of chapter 429 of the Laws of 1907, and a requisition of the Public Service Commission for the First District, duly made by the Secretary thereof, on January 14, 1908, for an issue of Corporate Stock of The City of New York, to provide means for acquiring easements from the owner of premises known as Block 3268, Lot 1, and Block 3269, Lot 1, Borough of The Bronx, beginning at Two Hundred and Thirty-third street and running north about 720 feet, in connection with the operation of a rapid transit railroad along the front of this property; the Comptroller be and is hereby authorized to issue Corporate Stock of The City of New York, to an amount not exceeding six thousand dollars (\$6,000), to provide means for the purpose aforesaid.

The communication was ordered filed.

(4)

2532

The Secretary presented the following notice of issue of bonds from the Department of Finance, which was ordered filed:

January 22, 1908.

At a meeting of the Board of Estimate and Apportionment, held January 10, 1908, the Comptroller was authorized to issue Special Revenue Bonds to the amount of \$100,000, which was approved by the Mayor 190 .

I beg to advise you that in accordance with the above authorization, an account has been established upon our records from which all vouchers properly chargeable against this authorization should be drawn, entitled Revenue Bond Fund—For Public Service Commission, First District, New York, Expenses of.

(5)

The Secretary presented the following notices of deposit from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which were ordered filed:

2063

January 30, 1908.

DEAR SIR—I beg to advise you that on January 23, 1908, the sum of thirty-five thousand seven hundred and twenty-two dollars and thirty-one cents (\$35,722.31) was deposited to the credit of Rapid Transit Construction Fund—Manhattan-Bronx (Subtitle No. 1, Van Cortlandt Park Extension), authorized November 23, 1906, pursuant to chapter 4, Laws of 1891, as amended, chapter 7, Laws of 1900, and sections 45, 169 and 170 of the Greater New York Charter as amended.

Principal, \$35,000.

Premium, \$722.31.

2532

January 30, 1908.

DEAR SIR—I beg to advise you that on January 27, 1908, the sum of seventy-eight thousand dollars (\$78,000) was deposited to the credit of Revenue Bond Fund—For Public Service Commission for the First District, New York, Expenses of, authorized December 6, 1907, \$59,500, and December 20, 1907, \$18,500, pursuant to section 10, chapter 4, Laws of 1891, and section 14, chapter 429, Laws of 1907.

2063

January 22, 1908.

DEAR SIR—I beg to advise you that on January 11, 1908, the sum of eighty-five thousand five hundred dollars (\$85,500) was deposited to the credit of Rapid Transit Construction Fund—Manhattan-Bronx, authorized March 31, 1905, pursuant to chapter 4, Laws of 1891, as amended by chapter 7, Laws of 1900, and sections 45, 169 and 170 of the Greater New York Charter, as amended.

2063

January 22, 1908.

DEAR SIR—I beg to advise you that on January 14, 1908, the sum of one hundred and two thousand and sixty-three dollars and seventy-five cents (\$102,063.75) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan, Subtitle No. 1, authorized April 19, 1907, pursuant to chapter 4, Laws of 1891, as amended by chapter 7, Laws of 1900.

Principal, \$100,000.

Premium, \$2,063.75.

2063

January 22, 1908.

DEAR SIR—I beg to advise you that on January 11, 1908, the sum of forty-two thousand eight hundred and sixty-six dollars and seventy-seven cents (\$42,866.77) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines,

Borough of Manhattan, Subtitle No. 2, authorized May 24, 1907, pursuant to chapter 4, Laws of 1891, as amended by chapter 7, Laws of 1900.

Principal, \$42,000.

Premium, \$866.77.

2063

January 23, 1908.

DEAR SIR—I beg to advise you that on January 22, 1908, the sum of twenty-two thousand four hundred and fifty-four dollars and two cents (\$22,454.02) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan, Subtitle No. 3, authorized June 21, 1907, pursuant to chapter 4, Laws of 1891, as amended by chapter 7, Laws of 1900.

Principal, \$22,000.

Premium, \$454.02.

2063

January 22, 1908.

DEAR SIR—I beg to advise you that on January 22, 1908, the sum of twenty-five thousand five hundred and fifteen dollars and ninety-four cents (\$25,515.94) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan, Subtitle No. 4, authorized June 21, 1907, pursuant to chapter 4, Laws of 1891, amended by chapter 7, Laws of 1900.

Principal, \$25,000.

Premium, \$515.94.

2063

January 22, 1908.

DEAR SIR—I beg to advise you that on January 6, 1908, the sum of one thousand six hundred and fifty dollars (\$1,650) was deposited to the credit of Rapid Transit Fund No. 2, authorized March 22, 1907, pursuant to the provisions of section 10, chapter 4, Laws of 1891, and section 7, chapter 752, Laws of 1894, as amended.

2532

January 22, 1908.

DEAR SIR—I beg to advise you that on January 6, 1908, the sum of thirty-two thousand dollars (\$32,000) was deposited to the credit of Revenue Bond Fund, for the Public Service Commission for the First District, New York—Expenses of, authorized November 22, 1907, pursuant to the provisions of section 10, chapter 4, Laws of 1891, as amended by section 14, chapter 429 of the Laws of 1907.

2532

January 22, 1908.

DEAR SIR—I beg to advise you that on January 9, 1908, the sum of two thousand dollars (\$2,000) was deposited to the credit of Revenue Bond Fund, for the Public Service Commission for the First District, New York—Expenses of, authorized November 22, 1907, pursuant to the provisions of section 10, chapter 4, Laws of 1891, and section 14, chapter 429, Laws of 1907.

2532

January 22, 1908.

DEAR SIR—I beg to advise you that on January 11, 1908, the sum of two thousand dollars (\$2,000) was deposited to the credit of Revenue Bond Fund, for the Public Service Commission for the First District, New York—Expenses of, authorized November 22, 1907, pursuant to the provisions of section 10, chapter 4, Laws of 1891, as amended by section 14, chapter 429, Laws of 1907.

2532

January 22, 1908.

DEAR SIR—I beg to advise you that on January 14, 1908, the sum of twelve thousand five hundred dollars (\$12,500) was deposited to the credit of Revenue Bond Fund, for Public Service Commission for the First District, New York—Expenses of, authorized November 22, 1907, pursuant to section 10, chapter 4, Laws of 1891, and section 14 of chapter 429, Laws of 1907.

2532

January 22, 1908.

DEAR SIR—I beg to advise you that on January 15, 1908, the sum of two thousand dollars (\$2,000) was deposited to the credit of Revenue Bond Fund, for Public Service Commission for the First District, New York—Expenses of, authorized November 22, 1907, \$1,500; December 6, 1907, \$500, pursuant to section 10, chapter 4, Laws of 1891, and section 14 of chapter 429, Laws of 1907.

2063

January 22, 1908.

DEAR SIR—I beg to advise you that on January 16, 1908, the sum of seven hundred dollars (\$700) was deposited to the credit of Rapid Transit Fund No. 2, authorized March 22, 1907, pursuant to section 10, chapter 4, Laws of 1891, and section 7, chapter 752, Laws of 1894, as amended.

2532

January 23, 1908.

DEAR SIR—I beg to advise you that on January 18, 1908, the sum of six thousand dollars (\$6,000) was deposited to the credit of Revenue Bond Fund—For Public Service Commission for the First District, New York, Expenses of, authorized December 6, 1907, pursuant to section 10, chapter 4, Laws of 1891, and section 14, chapter 429, Laws of 1907.

2532

January 22, 1908.

DEAR SIR—I beg to advise you that on January 20, 1908, the sum of five thousand dollars (\$5,000) was deposited to the credit of Revenue Bond Fund—For Public Service Commission for the First District, New York, Expenses of, authorized December 6, 1907, pursuant to section 10, chapter 4, Laws of 1891, and section 14, chapter 429, Laws of 1907.

(6)

2605

The Secretary stated that the following fees collected during the month of January had been transmitted to the Comptroller of the City of New York:

Amount collected in payment for testing of gas meters by the Commission.	\$377 50
For certified copies of reports made by corporations to the Commission; of evidence; of corporations before the Commission; for records and papers of the Commission; for copies of contracts and maps.....	181 75
Subpoena and witness fees received in various litigations.....	3 50
	<hr/> \$562 75 <hr/>

(7)

O-156

The Secretary presented a communication from the Brooklyn Union Elevated Railroad Company, upon Order No. 156 of the Commission, which had been referred to Commissioner Bassett, and which was as follows:

January 31, 1908.

Mr. TRAVIS H. WHITNEY, *Secretary Public Service Commission*, No. 154 Nassau Street, N. Y. City:

DEAR SIR—Order No. 156 of the Public Service Commission provides for the erection of 143 station signs on or before the 10th of February proximo.

The signs which it is proposed to install are enamelled, much more costly to manufacture and more durable than painted wooden signs.

We have proceeded with due diligence and find that it will be impossible to obtain delivery of these signs in time to comply with the date specified in the order. It will hardly be possible to complete the work before April 1, and we therefore beg that an extension of time within which to install these signs be granted until that date.

Yours truly,

J. F. CALDERWOOD,

Vice President and General Manager.

It was thereupon moved, and duly seconded, that the following order be adopted by the Commission:

ORDER FOR EXTENSION OF TIME (No. 236).

In the Matter
of

The regulations, practices and service of
the Brooklyn Union Elevated Railroad
Company.

An order, No. 156, having been made on or about the 16th day of December, 1907, in the above entitled proceeding, ordering and directing the Brooklyn Union Elevated Railroad Company to procure and place additional station signs at stations within the time therein specified, and the Brooklyn Union Elevated Railroad Company having applied for an extension of such time,

Ordered, That the time of the Brooklyn Union Elevated Railroad Company within which to procure additional station signs above mentioned and to place said signs at their stations at the points mentioned in said order No. 156, be, and the same hereby is, extended to and including the first day of April, 1908.

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Carried.

(8)

COMPLAINT ORDER (No. 237).

O-237

Francis P. Kenney, as President of the
High Bridge Taxpayers Alliance,
Complainant.

vs.

Union Railway Company,
Defendant.

The order of the Commission, being Order No. 237, as to the operation of the Boscobel avenue line over a portion of the route not yet completed, was approved, confirmed and ordered filed in the office of the Commission.

(9)

The Secretary presented the following:

OPINION OF COMMISSIONER BASSETT.

In the matter of the hearing on the motion of the Commission on the question of improvements in and additions to the equipment of the Coney Island and Brooklyn Railroad Company. Matter of rehearing on portion of order entered December 4, 1907, No. 134.

Among the requirements in Order No. 134 was the following:

"That said company by or before the said 15th day of April, 1908, provide and equip all of said open cars with two (2) new automatic circuit breakers of sufficient capacity and modern type."

The operating company asked for a rehearing upon this item, which was granted by Order No. 166. Hearings have been held and further testimony taken. The company does not deny the propriety of equipping all of its said cars with two modern automatic circuit-breakers, but claims that it can operate all of its open cars so that the effective automatic circuit-breaker shall be over the motorman's head, and that this, although somewhat inconvenient for the operating company, yet gives every protection to the public and prevents delays as fully as if two modern automatic circuit-breakers were placed upon each car. In other words, they claim that the present expense of purchasing two new circuit-breakers for each open car is not now necessary.

The open cars of this company caused a great deal of delay on the Brooklyn Bridge in the summer of 1907, because of fuse blow-outs. An examination of these cars showed that some had no automatic circuit-breakers whatever, and that some had only

one automatic circuit-breaker, instead of two, which is the modern practice. The function of a circuit-breaker is to cut off the electric current when for any reason the volume becomes too great, thus preventing the burning out of the fuse. When the current is cut out by the circuit-breaker all that is necessary for the motorman to do is to throw a handle located above his head, whereupon the current immediately is restored and the car proceeds without delay. If, however, there is no circuit-breaker, the fuse blows out and a new one must be inserted before the car can go on. This causes a substantial delay. If the operating circuit-breaker is not above the motorman's head there are two drawbacks: One is that the conductor or motorman must go to the back platform and throw the handle, and the other is that the noise, and sometimes flame, that occurs when the current throws the breaker is apt to frighten passengers that may be standing on the rear platform. On these accounts good practice requires two automatic circuit-breakers on each car, so that the one that is operative may always be above the front platform. The operating company show that many of their open cars are operated with loop terminals, and that they can always have the circuit-breaker in the front of such cars. This is probably the fact, although there is some evidence to show that it is not well to operate cars continuously in the same direction on account of uneven wear upon motors and gears. This particular company appears to have been remiss for some time past in the upkeep of its rolling stock, and now finds it difficult to comply with all modern requirements in a few months' time. On this account I am inclined to look with favor on a modification of the existing order, so that the equipment of part of the open cars with modern automatic circuit-breakers may be postponed until the summer of 1909. I have come to the conclusion, therefore, that the order should make the following provisions:

- That said company by or before the 15th day of April, 1908, provide and equip all of the said open cars in service that operate into a switchback terminal with two automatic circuit-breakers of modern type and connect such circuit-breakers in multiple on each such car, and at all times maintain both the said circuit-breakers on each such car in good and perfect repair and keep the same properly adjusted for the capacity of the motors of the cars on which they are placed, and that the circuit-breaker over the motorman's head shall at all times be the one operative.

That said company by or before the 15th day of April, 1908, provide and equip all of the rest of its open cars in service with at least one circuit-breaker of modern type and at all times maintain the said circuit-breaker in good and perfect repair and keep the same properly adjusted for the capacity of the motors of the car on which it is placed, and that the car shall at all times be operated so that the said circuit-breaker shall be above the motorman's head.

That said company by or before the 15th day of April, 1909, provide and equip all of its open cars in service with two automatic circuit-breakers of modern type and connect such circuit breakers in multiple on each car, and at all times maintain both the said circuit-breakers on each car in good and perfect repair and keep the same properly

adjusted for the capacity of the motors of the car on which they are placed, and that the circuit-breaker over the motorman's head shall at all times be the one operative.

Let an order be prepared accordingly.

February 3, 1908.

(Signed) E. M. BASSETT, Commissioner.

On motion, duly seconded, the following order was thereupon adopted:

FINAL ORDER AFTER REHEARING (No. 238).

In the Matter
of

The hearing on the motion of the Commission on the question of improvements in and additions to the equipment of the Coney Island and Brooklyn Railroad Company.

Matter of rehearing on portion of Order No. 134, entered December 4, 1907.

An order having been made and filed herein the 4th day of December, 1907, being Order No. 134, under and pursuant to an order for hearing made the 13th day of November, 1907, being Order No. 88, and said Order No. 134 having been duly served upon the Coney Island and Brooklyn Railroad Company, and said Coney Island and Brooklyn Railroad Company having accepted said Order No. 134 in part, but having applied in writing to this Commission for a modification of paragraph numbered (2) of said Order No. 134, and an order having been made and filed the 20th day of December, 1907, returnable December 31, 1907, being Order No. 166, which directed a rehearing of the matters contained in said paragraph numbered (2) of said Order No. 134, and it appearing that said rehearing was duly held by and before the Commission on the matters in said Order No. 166 specified on the 31st day of December, 1907, and by adjournment duly had on the 14th day of January, 1908, and by adjournment duly had on the 15th day of January, 1908, Mr. Commissioner Bassett presiding, and proof being taken, and Grosvenor H. Backus, Esq., appearing for the Commission, and John J. Kuhn, Esq., appearing for the railroad company.

Now, it being made to appear after the proceedings upon said rehearing that it is just, reasonable and proper that said Order No. 134 should be modified in the manner hereinafter set forth,

Ordered, That paragraph numbered (2) of said Order No. 134, made the 4th day of December, 1907, be and the same hereby is modified so as to read as follows:

"(2) That said company by or before the 15th day of April, 1908, provide and equip all of its open cars that are to operate into a switchback terminal with two automatic circuit breakers of modern type, and connect such circuit breakers in multiple on each such car, and at all times maintain both the said circuit breakers on each such car in good and perfect repair and keep the same properly adjusted for the capacity of the motors of the cars on which they are placed, and that the circuit breaker over the motorman's head shall at all times be the one operated.

"That said company by or before the 15th day of April, 1908, provide and equip all the rest of its open cars with at least one circuit breaker of modern type and at all times maintain the said circuit breaker in good and perfect repair and keep the same properly adjusted for the capacity of the motors of the car on which it is placed, and that the car shall at all times be operated so that said circuit breaker shall be above the motorman's head.

"That said company by or before the 15th day of April, 1909, provide and equip all of its open cars with two automatic circuit breakers of modern type and connect such circuit breakers in multiple on each car and at all times maintain both the said circuit breakers on each car in good and perfect repair and keep the same properly adjusted for the capacity of the motors of the car on which they are placed, and that the circuit breaker over the motorman's head shall at all times be the one operated."

And it is further

Ordered, That except as to the portion hereinbefore modified, said Order No. 134 shall remain in full force and effect until modified by the further order of this Commission; and it is further

Ordered, That this order shall take effect immediately; and it is further

Ordered, That within five days the said Coney Island and Brooklyn Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Carried.

(10)

The Secretary presented the following:

OPINION OF COMMISSIONER BASSETT.

South Brooklyn Board of Trade, complainant, against Coney Island and Brooklyn Railroad Company, defendant. Matter of rehearing on matters contained in Order No. 164 entered December 20, 1907.

Final Order No. 164 required the Coney Island and Brooklyn Railroad Company to improve their cars as follows:

(1) "That all gears and pinions on the cars of said company shall be operated with their gear cases maintained at least half full of gear grease or other lubricant."

(2) "That all wheels on the cars of said company that show flat spots or undue wear shall be immediately replaced by wheels in good and proper condition."

(3) "That said company shall within one month thoroughly clean and varnish the interior of all its cars and shall hereafter maintain them in a cleanly and sanitary condition."

The defendant on December 28, 1907, requested a rehearing on the items above set forth, claiming that a small amount of grease in each gear case was advisable;

that a reasonable opportunity should be afforded the company to change flat wheels for perfect wheels, and that it is not reasonable, practicable or necessary to require the company to varnish the interior of all of its cars. The Commission granted the defendant a rehearing on the above items, appointing the undersigned to take the testimony and report his opinion thereon. Accordingly, a full opportunity was given the defendant to examine additional witnesses. Experts for the South Brooklyn Board of Trade and the Public Service Commission were also heard.

It appears from the testimony that the first application of grease in a gear case is greater in amount than is requisite in later applications. The reason for this is that a large amount of the grease is thrown up in the case and adheres to the top and sides. If after the original application the gear case were filled up to the centre point of the axle, which is the construction placed upon the order by the defendant, there would be a tendency for the grease to run out at the axle joint. The evidence shows that if enough grease is at all times kept in the gear case, so that the teeth of the gear wheel can run in it, that will be sufficient. The order should be changed in this particular, so that it will require that the lower half of the gear case shall be maintained at all times half full of gear grease or other proper lubricant.

The item in the original final order regarding replacing of flat wheels should remain as it now stands.

It appears to me that the strict compliance with present final order, which requires varnishing of the interior of all of the cars, involves an unnecessary amount of work in some cases and probably too long a withdrawal of cars from actual service. It would seem more reasonable to require the interiors of the cars to be varnished where not now varnished. Many of the cars need to have work done upon their interiors and cleaning alone is not enough. In many cases rubbing down with crude oil after washing with soda ash is not enough, because an unprotected surface of natural wood would be left, which is incapable of being kept clean. Such parts of each car should be varnished, and the whole of the interior of each car should present a cleanly appearance, with all exposed natural wood covered with a proper coat of varnish.

January 28, 1908.

(Signed) E. M. BASSETT,
Commissioner.

On motion, duly seconded, the following order was thereupon adopted:

FINAL ORDER AFTER REHEARING (No. 239).

South Brooklyn Board of Trade, Com-
plainant,

against

Coney Island and Brooklyn Railroad
Company, Defendant.

Under Order for Rehearing No. 197,
made January 10, 1908.

An order having been made and filed herein the 20th day of December, 1907, being Order No. 164, under and pursuant to an order for hearing made the 20th

day of November, 1907, and said Order No. 164 having been duly served upon the Coney Island and Brooklyn Railroad Company, and said Coney Island and Brooklyn Railroad Company having accepted said Order No. 164 in part, but having applied in writing to this Commission for a modification of paragraphs numbered (1), (2) and (3) of said Order No. 164, and an order having been made and filed the 10th day of January, 1908, returnable January 23, 1908, being Order No. 197, directing a rehearing of the matters contained in said paragraphs numbered (1), (2) and (3) of said Order No. 164, and it appearing that said rehearing was duly held by and before the Commission on the matters in said Order No. 197 specified on the 23d day of January, 1908, Mr. Commissioner Bassett presiding, and proof being taken, and Grosvenor H. Backus, Esq., Assistant Counsel, appearing for the Commission, and John J. Kuhn, Esq., appearing for the railroad company.

Now, it being made to appear after the proceedings upon said rehearing that it is just and proper that said Order No. 164 should be modified in the manner herein-after set forth.

Ordered, That paragraph numbered (1) of said Order No. 164, made the 20th day of December, 1907, be and the same hereby is modified so as to read as follows:

"(1) That the axle gears and armature pinions on the cars of said company shall within one month after the date of this order be replaced by new gears and pinions where the teeth thereof are worn to less than one-sixteenth of an inch on the top, and that hereafter no gears and pinions shall be used the teeth of which present a smaller top than one-sixteenth of an inch; that all gears and pinions on the cars of said company shall be operated with the lower half of the gear case from the bottom of the case to the axle opening, maintained half full of lubricant when the car is at rest;" and it is further

Ordered, That paragraph numbered (3) of said Order No. 164 be and the same hereby is modified so as to read as follows:

"(3) That said company shall by or before the 1st day of March, 1908, thoroughly clean the interior of all its cars and shall revarnish the same wherever the varnish shall be worn away or otherwise impaired, and that said company shall hereafter maintain said cars in a cleanly and sanitary condition; that within one month from the date of this order, the seats in the closed cars that now have backs and seats covered with carpet shall have this carpet removed and the backs and seats covered with rattan, and that this covering shall be maintained in a cleanly and sanitary condition;" and it is further

Ordered, That except as to the portions hereinbefore modified, said Order No. 164 shall remain in full force and effect until modified by the further order of this Commission; and it is further

Ordered, That this order shall take effect immediately; and it is further

Ordered, That within five days, the said Coney Island and Brooklyn Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Carried.

(11)

O-218

The Secretary presented the following communication from the Interborough Rapid Transit Company, upon Order No. 218 of the Commission requesting a report on the present condition of the work at the One Hundred and Thirty-eighth and One Hundred and Forty-ninth street stations of the Third avenue elevated line:

INTERBOROUGH RAPID TRANSIT COMPANY, }
NOS. 13 TO 21 PARK ROW, }
NEW YORK, January 30, 1908. }

MR. TRAVIS H. WHITNEY, *Secretary, Public Service Commission, First District,*
Tribune Building, New York:

DEAR SIR—Replying to Order No. 218 of the Public Service Commission for the First District, requesting a report on the present condition of the work at the One Hundred and Thirty-eighth and One Hundred and Forty-ninth street stations of the Third avenue elevated line, the situation is as follows:

At the One Hundred and Thirty-eighth street station new exit and entrance stairways were put into service on January 12 and 13, respectively. It is expected that the entire work at this station will be completed on or about February 15.

At the One Hundred and Forty-ninth street station the stairways leading from the elevated structure have been changed and in general use for same time. The new subway stairway on Third avenue, although not fully completed, was opened November 3, 1907. The new subway stairway on One Hundred and Forty-ninth street will be completed in about two weeks, and all the improvements contemplated at this station will be completed on or about March 1, weather permitting.

Very truly yours,

(Signed) E. P. BRYAN, President.

Commissioner Eustis—"That letter does not fully answer the requests made upon the railroad. Mr. Bryan was under the impression that the changes at the One Hundred and Forty-ninth street station referred to the changes coming from the street down to the subway which are now nearly completed, but the inquiry was directed toward proposed changes in the elevated station which were presented by the railroad people to this Commission several weeks ago and approved by us; but I have been informed by Mr. Hedley, manager of the railroad company, that nothing has been done, so far as he knows, in regard to carrying out those changes except in the securing of consents. In so far as the letter refers to changes at One Hun-

dred and Thirty-eighth street, that is correct, and the work is now progressing to completion."

(12)

1130

The Secretary presented a communication from Clyde Brown, General Solicitor of the New York Central and Hudson River Railroad Company, transmitting the following resolution adopted by the Board of Directors of that company on January 29, 1908:

Resolved, That Clyde Brown, the General Solicitor of this company be and he is hereby authorized to admit service of any order of either of the Commissions established by the Public Service Commissions Law, and to sign and acknowledge the notification of the receipt of a certified copy of any such order as provided in section 23 of the said law.

The communication was ordered filed.

(13)

3124

The Secretary presented a communication from Ira A. Place, Vice President of the New York Central and Hudson River Railroad Company, stating that the work to be done by that company could not be completed within the time limit which would expire on July 1, 1908; that the Corporation Counsel had agreed to the form of bill to be presented to the Legislature for extension of this time; that copy of this bill had been transmitted to the Chairmen of the Railroad Committees of the Senate and Assembly; and that it had been redrafted to meet the suggestion of Hon. J. M. Wainwright, Chairman of the Committee on Railroads of the Assembly, to whom the new draft had been sent, and correspondence with whom was inclosed in Mr. Place's letter to the Commission. The communication was ordered filed.

(14)

The Secretary presented the following vouchers, the bills of which had been duly approved by Commissioner McCarroll as Committee on Audit for the month of January, whereupon, on motion, duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of The City of New York for payment:

Voucher No.	Name.	Services or Material.	Amount.
633	E. J. Brooks & Co.....	Badges as per bill, January 27, 1908.....	\$3 30
634	A. B. Dick Company.....	Stationery, as per bill, January 23, 1908.....	8 10
635	Finn Brothers.....	Furniture, as per bill, January 20, 1908.....	30 00
636	E. Belcher Hyde.....	Atlas, as per bill, January 28, 1908.....	30 00
637	Law Reporting Company.....	Transcripts of testimony, etc., as per bills, January 24, 1908.....	667 77

Voucher No.	Name.	Services or Material.	Amount.
638	New York Blue Print Paper Company	Prints, as per bills, January 13 and 21, 1908.....	30 49
639	M. A. O'Connor.....	Printing and stationery, as per bills, December 23, 26 and 31, 1907, and January 7, 1908.....	147 50
640	Pontrichet Black Print Paper Company	Prints, as per bill, January 21, 1908.....	13 67
641	C. H. Pepper.....	Linoleum, as per bill, January 16, 1908.....	72 25
642	Rapid Safety Filter Company.	Filter service, as per bill, January 2, 1908.....	10 50
643	Remington Typewriter Company	Repairs, as per bill, January 27, 1908.....	15 00
644	T. G. Sellew.....	Furniture, as per bill, January 22, 1908.....	72 25
645	Underwood Typewriter Company	Supplies, as per bills, January 18 and 21, 1908....	48 00
646	William R. Willcox, Commissioner	Disbursements for December, 1907.....	16 00
647	Edward M. Bassett, Commissioner	Disbursements for July, August, September and October, 1907.....	40 85
648	W. A. Aiken, General Inspector	Disbursements for December, 1907.....	111 94
649	George Hallett Clark, Division Engineer	Disbursements for December, 1907.....	13 10
650	George F. Daggett, Chief Clerk, Bureau of Complaints.....	Disbursements for December, 1907.....	97 74
651	Arthur DuBois, Assistant Counsel	Disbursements for December, 1907.....	20 65
652	M. J. Farrell, Secretary to Chief Engineer.....	Disbursements for December, 1907.....	11 86
653	H. A. D. Hollmann, Auditor.	Disbursements for December, 1907.....	87 40
654	Thomas D. Hoxsey, Secretary to Bureau of Gas, etc.....	Disbursements for December, 1907.....	33 62
655	Andrew W. McLimont, Electrical Engineer.....	Disbursements for December, 1907.....	96 16
656	John H. Myers, Division Engineer	Disbursements for December, 1907.....	8 24
657	Frederick C. Noble, Division Engineer	Disbursements for November, 1907.....	16 11
658	C. V. V. Powers, Division Engineer	Disbursements for November and December, 1907	44 14
659	Amos L. Schaeffer, Division Engineer	Disbursements for December, 1907.....	17 77
660	D. L. Turner, General Inspector	Disbursements for September, October, November and December, 1907.....	35 95
661	D. L. Turner, General Inspector	Disbursements for November and December, 1907	246 16
662	D. L. Turner, General Inspector	Disbursements for November and December, 1907	174 35
663	Adna F. Weber, Chief Statistician	Disbursements for December, 1907.....	34 05
Total.....			\$2,254 92
664	Katherine V. Curry.....	Easements, stenographic services, December 9, 1907, to January 3, 1908.....	\$392 75
665	Mortimer Kennedy Flagg.....	Easements, services as Clerk, December 7, 1907, to January 6, 1908.....	100 00
Total.....			\$492 75

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Carried.

(15)

O-240

Commissioner Eustis presented the following order for hearing, and it was moved and duly seconded that the same be adopted by the Commission:

HEARING ORDER (No. 240).

In the Matter
of

The hearing on the motion of the Commission on the question of the service and equipment of the Union Railway Company in respect to the condition of its track at the east end of Macombs Dam Bridge.

It is hereby

Ordered, That a hearing be had on the 19th day of February, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission at No. 154 Nassau street, in the Borough of Manhattan, City and State of New York, to inquire whether the service, equipment and appliances of the Union Railway Company in respect to the transportation of persons in the First District are insufficient, improper or inadequate, and whether changes, improvements and additions thereto ought reasonably to be made in the manner below set forth, in order to promote the security or convenience of the public or employees, or in order to secure adequate service and facilities for the transportation of passengers or property, and if such be found to be the fact, then to determine whether a change, addition and improvement in the equipment, appliances and service of said company as hereinafter set forth, is such as would be just, reasonable, safe, adequate and proper and ought reasonably to be made to accommodate the passenger traffic offered to it and to promote the security and convenience of the public or employees, or in order to secure adequate service for the transportation of passengers,

That is to say: That the curved tracks between tangents at the point of intersection of the viaduct approach and the steel approach to the east end of Macombs Dam Bridge be resurfaced.

And if such changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further ordered: That the said Union Railway Company be given at least ten (10) days' notice of such hearing, by service upon it, either personally or by mail, of a certified copy of this order and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Carried.

(16)

O-241

Commissioner Eustis presented the following order for hearing, and it was moved and duly seconded that the same be adopted by the Commission:

HEARING ORDER (No. 241).

Whidden Graham,
Plaintiff,
against
Interborough Rapid Transit Company,
Defendant,

Upon complaint herein on which Order No. 125 was issued December 4, 1907, and the answer of the Interborough Rapid Transit Company thereto, dated December 14, 1907,

Ordered, That upon the matters therein a hearing be had on the 17th day of February, 1908, at 11 o'clock in the forenoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to the end that the Commission may make such order or orders in the premises as shall be just and reasonable. It is further

Ordered, That the said Whidden Graham, of No. 11 William street, New York City, and the said Interborough Rapid Transit Company be given at least ten days' notice of such hearing by service upon each of them, either personally or by mail, of a certified copy of such order, and that at such hearing they may be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Carried.

(17)

O-242

Commissioner Eustis moved the adoption of the following order, which was duly seconded:

HEARING ORDER (No. 242).

In the Matter
of

The hearing on motion of the Commission on the question of improvement in and addition to the service of the New York City Interborough Railway Company in respect to increase of service of One Hundred and Eighty-first street to Bronx Park, and in respect to the opening of new Tremont avenue line.

It is hereby

Ordered, That a hearing be had on the 17th day of February, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at No. 154 Nassau street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices and

service of the New York City Interborough Railway Company in respect to transportation of persons in the First District are unreasonable, improper or inadequate, and whether changes, improvements and additions thereto ought reasonably to be made, in the manner below set forth, in order to promote the security or convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether a change, addition and improvement in regulations, practices and service of said company, as hereinafter set forth, is such as will be just, reasonable, adequate and proper, and ought reasonably to be made to accommodate the passenger traffic offered to it, and to promote the convenience of the public, or in order to secure adequate service or facilities for the transportation of passengers, that is to say: Whether the following changes, additions, readjustment and increase of service should be put into effect:

I. (a) By operating daily, except Sundays, from Bronx Park to the One Hundred and Eighty-first street station of the subway a sufficient number of cars to furnish seats for all passengers between 7 a. m. and 9 a. m., every eight minutes, and run through to the One Hundred and Eighty-first street subway station.

(b) By operating daily, except Sundays, from the One Hundred and Eighty-first street station of the subway to Bronx Park a sufficient number of cars to furnish seats for all passengers between 5 p. m. and 7 p. m., every eight minutes, and run through to Bronx Park.

(c) By operating daily, except Sundays, between One Hundred and Eighty-first street subway station and Bronx Park a sufficient number of cars to furnish a seat for every passenger every thirty minutes.

(d) During all other hours of the day, there shall be operated over the entire line between the One Hundred and Eighty-first street station of the subway and Bronx Park a sufficient number of cars to furnish every passenger with a seat every ten minutes.

II. By beginning operation of cars over the new Tremont avenue line from the One Hundred and Eighty-first street station of the subway to West Farms by way of Tremont avenue, Aqueduct avenue and other streets, and by operating over this line a sufficient number of cars to furnish seats for all passengers as above suggested for the One Hundred and Eighty-first street and Bronx Park line.

And if any such changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said New York City Interborough Railway Company be given at least ten days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be

afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Carried.

(18) .

The Secretary presented the following communication from the Counsel to the Commission:

February 4, 1908.

Public Service Commission for the First District:

SIRS—I have the letter of the Secretary of the 1st ult., as follows:

"The Commission at its meeting on December 31, 1907, adopted a resolution for an additional rapid transit system in the Boroughs of Manhattan and The Bronx, and referred the question of the legality and feasibility of such a system to the Counsel and the Chief Engineer to the Commission, for a report and to prepare the necessary plans and papers for submission to the Commission."

The system referred to is the so-called Lexington avenue system, including a cross-town route at Canal street, a description of which was transmitted with the Secretary's letter.

Before the changes necessary in the Lexington avenue and Gerard avenue route and the additional route through Canal street can become effectual, it will be necessary to take the same proceedings as were taken on the original adoption of the Lexington avenue and other routes. This involves, first, the approval of the Board of Estimate and Apportionment; second, the approval of the Mayor; and third, the consent of a majority in value of the owners of property abutting on the line of the modifications and new routes, or if such consent cannot be obtained, then the consent of the Appellate Division in the First Department, in lieu thereof. To this end I have prepared and now transmit to the Commission a form of communication to the Board of Estimate and Apportionment and a form of resolution authorizing the Chairman to transmit such a communication, resolutions modifying the Lexington avenue route, resolutions modifying the Gerard avenue route and resolutions adopting the routes and general plans for the Canal street route. When these resolutions are adopted certified copies thereof should be transmitted with the communication to the Board of Estimate and Apportionment. When the modifications and the new route have received the approval of the Board of Estimate and the Mayor, steps can then be taken to obtain the consent of the abutting property owners.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

MODIFICATION OF LEXINGTON AVENUE ROUTE.

On motion, duly seconded, the following was adopted:

Whereas, The Board of Rapid Transit Railroad Commissioners for The City of New York did, on the 12th day of May, 1905, adopt certain routes and general plan for a rapid transit railway in The City of New York, a copy of which is hereto annexed, entitled "Copy Routes and General Plan adopted 12th May, 1905." and which route is known as the Lexington Avenue Route; and

Whereas, The said routes and general plan were afterwards duly approved by the Board of Estimate and Apportionment of The City of New York, on the 14th day of July, 1905, by the Mayor of The City of New York on the 28th day of July, 1905, and were duly approved by Commissioners appointed by the Appellate Division of the Supreme Court in the First Judicial Department, which consent was duly confirmed by the said Appellate Division and its consent given to the said routes and general plans in lieu of the consent of the owners of a majority in value of the property along the said route, by an order entered on the 19th day of October, 1906; and

Whereas, The Public Service Commission for the First District, as the successor of the Board of Rapid Transit Railroad Commissioners for The City of New York, pursuant to the provisions of chapter 429 of the Laws of 1907, has duly made the inquiries and investigation necessary or proper in the premises, and has determined that the modification and amendment of the said routes and general plan hereinafter set forth is necessary for the interest of the public and of The City of New York, and should be established as hereinafter provided; now therefore be it

Resolved, That, subject to the approvals and consents, to be first obtained, as in this resolution hereinafter mentioned, the said routes and general plan heretofore adopted by the said Board of Rapid Transit Railroad Commissioners for The City of New York be and they hereby are modified and amended in the following respects:

(1) By inserting after the following words in the first paragraph under the head of Section 5-C:

"thence curving northeasterly under private property into Park avenue and running northeasterly along Park avenue to"

—the words:

a point at or near the intersection of East One Hundred and Thirty-fifth street, where the lines will diverge, one line continuing northeasterly along Park avenue to

—and by adding at the end of such paragraph the words:

; and the other of said branches continuing northeasterly under Park avenue, private property, and under the tracks of the New York Central and Hudson River Railroad Company and under East One Hundred and Thirty-eighth street and private property into Mott avenue; thence running along and under Mott avenue to a point between East One Hundred and Fiftieth street and East One

Hundred and Fifty-first street; thence curving northwesterly into East One Hundred and Fifty-first street and continuing northwesterly under East One Hundred and Fifty-first street to a point between Walton avenue and Gerard avenue, curving thence northerly into Gerard avenue to a junction with a certain rapid transit route heretofore authorized and known as the Gerard Avenue Route. And also a spur beginning at a point in the Borough of The Bronx under private property in the centre line of the branch just described, situated about three hundred (300) feet south of East One Hundred and Thirty-eighth street, and curving thence northeasterly under private property, Mott avenue and private property into East One Hundred and Thirty-eighth street to a point near the intersection of East One Hundred and Thirty-eighth street and Park avenue; running thence easterly under East One Hundred and Thirty-eighth street to a point near Third avenue, where a connection can conveniently be made with a rapid transit route heretofore duly authorized and known as the Southern Boulevard and Westchester Avenue Route.

So that said first paragraph under the heading of Section 5-C shall read as follows:

Section 5-C. A route, the centre line of which shall begin in the Borough of Manhattan at or near the intersection of the southerly line of East One Hundred and Twenty-ninth street with the centre line of Lexington avenue, at the northerly end of Section 5-O above described; running thence northerly under Lexington avenue to the Harlem River and under and across the Harlem River to the Borough of The Bronx and to a point in the northeasterly side of the said river at or near the point where the said northeasterly side is intersected by the easterly side of Park avenue; thence curving northeasterly under private property into Park avenue and running northeasterly along Park avenue to a point at or near the intersection of East One Hundred and Thirty-fifth street, where the lines will diverge, one line continuing northeasterly along Park avenue to East One Hundred and Thirty-eighth street, near which point spurs or connections will be constructed as hereinafter stated, and thence still northeasterly and northerly along Park avenue and under East One Hundred and Forty-ninth street to the northerly side of said street, near which point a spur will be constructed as hereinafter stated; and thence still northerly and northeasterly along Park avenue to its intersection with East One Hundred and Fifty-sixth street; and the other of said branches continuing northeasterly under Park avenue, private property and under the tracks of the New York Central and Hudson River Railroad Company and under East One Hundred and Thirty-eighth street and private property into Mott avenue; thence running along and under Mott avenue to a point between East One Hundred and Fiftieth street and East One Hundred and Fifty-first street; thence curving northwesterly into East One Hundred and Fifty-first street and continuing northwesterly under East One Hundred and Fifty-first street to a point between Walton avenue and

Gerard avenue; curving thence northerly into Gerard avenue to a junction with a certain rapid transit route heretofore authorized and known as the Gerard Avenue Route. And also a spur beginning at a point in the Borough of The Bronx under private property in the centre line of the branch just described, situated about three hundred (300) feet south of East One Hundred and Thirty-eighth street, and curving thence northeasterly under private property, Mott avenue and private property into East One Hundred and Thirty-eighth street to a point near the intersection of East One Hundred and Thirty-eighth street and Park avenue; running thence easterly under East One Hundred and Thirty-eighth street to a point near Third avenue, where a connection can conveniently be made with a rapid transit route heretofore duly authorized and known as the Southern Boulevard and Westchester Avenue Route.

(2) By adding after the paragraph headed Section 5-D a new paragraph as follows:

Section 5-E—A route the centre line of which shall begin in the Borough of Manhattan at a point in Lexington avenue north of East Thirty-sixth street, where Section 5-D above described curves westerly into East Thirty-sixth and Thirty-fifth streets; thence running southerly along Lexington avenue to the intersection of Lexington avenue and Gramercy Park; thence southerly through and under Gramercy Park to its intersection with Irving place; thence still southerly along and under Irving place and crossing under East Fourteenth street, private property and East Thirteenth street to a point in private property between East Thirteenth street and East Twelfth street, curving thence southwesterly under private property, East Twelfth street, Fourth avenue and the present Rapid Transit Railway structure in Fourth avenue to a point in private property between Fourth avenue and Broadway at about East Eleventh street, curving thence southerly under private property into Broadway at a point near East Ninth street, at which a junction can be conveniently made with Section 5-D above described.

(3) By striking out from the portion of the said routes and general plan headed General Plan of Construction the words in the second paragraph thereof, as follows, to wit:

"For the route running northerly from East One Hundred and Twenty-ninth street and Lexington avenue and under the Harlem River, and Park avenue, and other streets, known as Section 5-C, including the various spurs above described, there shall be two tracks, except that in the loop north of East One Hundred and Fifty-second street there shall be one track."

—and by inserting in the place and stead of the words thus stricken out the following words, to wit:

For the route running northerly from East One Hundred and Twenty-ninth street and Lexington avenue under the Harlem River and Park avenue and other

streets to East One Hundred and Thirty-fifth street, where the lines diverge as above described there shall be four tracks. For the branch of such road running through Mott avenue to East One Hundred and Fiftieth street there shall be four tracks, and for the remainder of such branch through East One Hundred and Fifty-first street into Gerard avenue and for the spur included in said branch running easterly through East One Hundred and Thirty-eighth street to Third avenue there shall be three tracks. For the branch of said route running northerly from East One Hundred and Thirty-fifth street and through Park avenue and other streets including the various spurs above described, there shall be two tracks, except that in the loop north of East One Hundred and Fifty-second street there shall be one track.

—and by adding at the end of said paragraph the words:

For the portion of the route known as Section 5-E above described and running southerly through Lexington avenue, Gramercy Park and Irving place and private property to Broadway there shall be four tracks.

So that the whole of said paragraph shall read as follows:

For the route running under Lexington avenue from about East Forty-third street to East One Hundred and Twenty-ninth street, known as Section 5-O, there shall be four tracks. For the route running westerly and southwesterly from the southerly end of Route 5-O under East Forty-second street, and known as Section 5-A, there shall be four tracks. For the route running northerly from Lexington avenue and East One Hundred and Twenty-ninth street under the Harlem River, Third avenue and Morris avenue, known as Section 5-B, there shall be four tracks up to the point where the said route begins to curve in order to join the subway at East One Hundred and Forty-ninth street, and from that point there shall be two tracks. For the route running northerly from East One Hundred and Twenty-ninth street and Lexington avenue under the Harlem River and Park avenue and other streets to East One Hundred and Thirty-fifth street, where the lines diverge as above described, there shall be four tracks. For the branch of such road running through Mott avenue to East One Hundred and Fiftieth street, there shall be four tracks, and for the remainder of such branch through East One Hundred and Fifty-first street into Gerard avenue and for the spur included in said branch running easterly through East One Hundred and Thirty-eighth street to Third avenue there shall be three tracks. For the branch of said route running northerly from East One Hundred and Thirty-fifth street and through Park avenue and other streets including the various spurs above described, there shall be two tracks, except that in the loop north of East One Hundred and Fifty-second street there shall be one track. For the route running southerly from a point near East Forty-third street and Lexington avenue, known as Section 5-D above described, there shall be four tracks as far south as the point between East Thirty-sixth and East Thirty-seventh streets,

where the line diverges as above described; there shall be two tracks from the point of divergence through East Thirty-sixth street and Fifth avenue to the point where the lines reunite; and two tracks from the point of divergence through Lexington avenue and East Thirty-fifth street to the said point in Fifth avenue, where the lines reunite; and for the remainder of the distance southerly under Fifth avenue and Broadway, there shall be four tracks as far south as Chambers street. From Chambers street southerly under Broadway, Vesey street, Trinity place, and Greenwich street, there shall be two tracks. In the loop under the City Hall Park, there shall be one track. There shall be as many additional tracks as may be needed for convenient operation of terminals under Battery place and Battery Park. For the portion of the route known as Section 5-E above described and running southerly through Lexington avenue, Gramercy Park and Irving place and private property to Broadway there shall be four tracks.

(4) By adding at the end of the fifth paragraph under the head of "General Plan of Construction" the words:

. and the tracks for the spur under East One Hundred and Thirty-eighth street to Third avenue may be partly constructed in and occupy the same tunnels as another subway to be built under the said street as a part of another route..

So that the whole of said paragraph shall read as follows:

The tracks under East Thirty-fifth street and East Thirty-sixth street may be constructed in and occupy the same tunnel as another subway to be built under the said streets between Third avenue and Eighth avenue, and the tracks for the spur under East One Hundred and Thirty-eighth street to Third avenue may be partly constructed in and occupy the same tunnels as another subway to be built under the said street as a part of another route. •

(5) By adding after the words "under East Thirty-sixth street" in the sixth paragraph under the head of "General Plan of Construction" the words:

and under Fourth avenue near East Twelfth street.

(12) So that the whole of said paragraph shall read as follows:

The roof of the tunnels when under a street shall be as near the surface of the street as street conditions and grades will conveniently permit; except that under East Thirty-fifth and East Thirty-sixth streets, and under Fourth avenue near East Twelfth street and under East One Hundred and Forty-ninth street and Park avenue, the tunnel shall be so constructed as to pass under the subway constructed under resolutions of this Board adopted January 14 and February 4, 1897; and except also that near the intersection of Third avenue and East One Hundred and Thirty-eighth street the tunnel may, if necessary, be depressed to a depth sufficient to allow other tunnels or subways to be constructed over and across it.

Resolved, That whereas this Commission has duly made the inquiries and investigation necessary or proper in the premises and has determined that the modification

and amendment aforesaid of the said routes and general plan are necessary for the interest of the public and of The City of New York, and should be established as herein provided, this Commission does hereby determine and establish the said modification and amendment, subject to the approvals and consent to be first obtained as hereinafter mentioned; and it is further

Resolved. That the said modification and amendment of the routes and general plan shall take effect only upon and after the following approvals thereof and consents thereto shall be duly had, to wit:

I.—The approval and consent of the Board of Estimate and Apportionment of The City of New York.

II.—The approval of the Mayor of The City of New York.

III.—The consents of the owners of a majority in value of the property upon the portion of the said routes hereby modified and amended, or if such consents cannot be obtained, then in lieu thereof the determination of three Commissioners to be appointed by the Appellate Division of the Supreme Court, in and for the First Judicial Department, duly confirmed by the said Appellate Division; and it is further

Resolved, That the four maps entitled "Public Service Commission for the First District, Manhattan, Key Map A, and Manhattan A—Sheet No. 3, Bronx Key Map A, and Bronx A—Sheet No. 1," are hereby adopted as showing the modification as hereby adopted of the foregoing routes and general plan, for convenience merely, and that said maps are not to be deemed a part of the description of the routes, or a part of the general plan for any purpose whatever.

COPY ROUTES AND GENERAL PLAN ADOPTED 12TH MAY, 1905.

Whereas, The Board of Rapid Transit Railroad Commissioners for The City of New York has determined that the rapid transit railway or railways for the conveyance and transportation of persons and property in addition to those already existing, authorized or proposed are necessary for the interest of the public and of The City of New York, and should be established therein as hereinafter provided; and

Whereas, This Board has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination;

Now, therefore, this Board, by the concurrent votes of at least six members, does hereby adopt the following route or routes for an additional rapid transit railway or railways in The City of New York, and does hereby determine and establish the said additional route or routes thereof as follows, and does hereby adopt a general plan of construction of the said railway or railways, the route or routes of which are herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Board, in adopting the said route or routes and general plans, expressly reserves all the powers in relation to the construction of the said route or routes which are conferred upon it by section 34 of the Rapid Transit Act. In particular it reserves the right to contract for the construction of the whole road or all the roads provided for in the following plans in a single contract, or by separate contracts, executed from time to time, to provide for the construction of parts of said road or roads or for the construction at first of two or more tracks over a part or parts of such road or roads, and afterwards of one or more additional tracks over a part or parts of such road or roads, as the necessities of The City of New York and the increase of its population may in the judgment of this Board require.

Routes.

A route lying within the Boroughs of Manhattan and The Bronx and made up of several sections as hereinafter described. The said sections are as follows:

Section 5-O—A route the centre line of which shall begin in the Borough of Manhattan at or near the intersection of the southerly line of East One Hundred and Twenty-ninth street with the centre line of Lexington avenue; running thence southerly along Lexington avenue to a point about half way between East Forty-second and East Forty-third streets.

Section 5-A—A route the centre line of which shall begin in the Borough of Manhattan at a point in Lexington avenue about half way between East Forty-second and East Forty-third streets, at the southerly end of Section 5-O, above described; running thence southwesterly in a curve under Lexington avenue and private property to East Forty-second street; thence westerly along East Forty-second street to a point near the intersection of the centre line of East Forty-second street with the centre line of Depew place produced; thence southwesterly in a curve under East Forty-second street and private property to Park avenue, and thence southwesterly and southerly under Park avenue to a point in Park avenue between East Thirty-eighth and East Forty-first streets, at which a junction can conveniently be made with the subway constructed under resolutions of this Board, adopted January 14 and February 4, 1897.

Section 5-B—A route the centre line of which shall begin in the Borough of Manhattan at or near the intersection of the southerly line of East One Hundred and Twenty-ninth street with the centre line of Lexington avenue at the northerly end of Section 5-O, above described; running thence northerly and northeasterly in a curve under Lexington avenue and private property to and across East One Hundred and Thirtieth street; thence again under private property and East One Hundred and Thirty-first street and under the Harlem River to the Borough of The Bronx and to a point on the northeasterly side of the said Harlem River distant not less than 200 feet northwesterly from the westerly side of Third avenue; thence running northeasterly under private property and East One Hundred and Thirty-fourth street and again under private property to Third avenue at or near the

intersection of Third avenue with East One Hundred and Thirty-fifth street; thence running northeasterly under Third avenue and Morris avenue to a point at or near the intersection of Morris avenue and East One Hundred and Forty-eighth street, and thence running in a curve under Morris avenue, East One Hundred and Forty-eighth street and private property to a point in East One Hundred and Forty-ninth street between Morris avenue and Cortlandt avenue, at which a junction can conveniently be made with the subway constructed under resolutions of this Board adopted January 14 and February 4, 1897.

Section 5-C—A route the centre line of which shall begin in the Borough of Manhattan at or near the intersection of the southerly line of East One Hundred and Twenty-ninth street with the centre line of Lexington avenue at the northerly end of Section 5-O above described; running thence northerly under Lexington avenue to the Harlem River and under and across the Harlem River to the Borough of The Bronx and to a point in the northeasterly side of the said river at or near the point where the said northeasterly side is intersected by the easterly side of Park avenue; thence curving northeasterly under private property into Park avenue and running northeasterly along Park avenue to East One Hundred and Thirty-eighth street, near which point spurs or connections will be constructed as hereinafter stated, and thence still northeasterly and northerly along Park avenue and under East One Hundred and Forty-ninth street to the northerly side of said street, near which point a spur will be constructed as hereinafter stated, and thence still northerly and northeasterly along Park avenue to its intersection with East One Hundred and Fifty-sixth street.

And also spurs, beginning as above stated, in the Borough of The Bronx, near the intersection of Park avenue with East One Hundred and Thirty-eighth street. One of the said spurs shall begin in Park avenue, south of East One Hundred and Thirty-eighth street, and thence curve northeasterly and easterly under Park avenue, private property and Canal Street West, and again under private property to East One Hundred and Thirty-eighth street. The other of said spurs shall begin in Park avenue north of East One Hundred and Thirty-eighth street, and thence curve southeasterly and easterly under Park avenue and private property to East One Hundred and Thirty-eighth street, where the said spur shall unite with the first spur above mentioned. The centre line of the said two spurs shall then run easterly along East One Hundred and Thirty-eighth street to a point about 300 feet westerly from the intersection of East One Hundred and Thirty-eighth street with the westerly side of Third avenue.

And also a spur, beginning as above stated, in the Borough of The Bronx, at a point on the main line of the route of Section 5-C, as above described, at or near its intersection with the northerly line of East One Hundred and Forty-ninth street; thence curving northerly under private property to Mott avenue; thence under and across Mott avenue and under and along East One Hundred and Fifty-third street

and under and across One Hundred and Fifty-seventh street; thence under private property and under the bed of Cromwell Creek to Exterior street; thence under and along Exterior street and under the viaduct and Jerome avenue to a point near the northerly corner of Jerome avenue and Sedgwick avenue; thence running northeasterly in a curve under private property to Sedgwick avenue, and thence under and along Sedgwick avenue to the intersection of Sedgwick avenue and One Hundred and Sixty-fourth street.

And also a loop beginning in the Borough of The Bronx at a point on the main line of the route of Section 5-C, as hereinbefore described, between East One Hundred and Fifty-first street and East One Hundred and Fifty-second street; running thence northwesterly and westerly under private property and connecting within private property with the spur of route 5-C, last above described, near the point of where the centre line of said spur would intersect the northerly line of East One Hundred and Fifty-first street produced.

Section 5-D—A route the centre line of which shall begin in the Borough of Manhattan at a point in Lexington avenue about half way between East Forty-second and East Forty-third streets, at the southerly end of Section 5-O, above described; running thence southerly along Lexington avenue to a point about half way between East Thirty-sixth street and East Thirty-seventh street, at which point the tracks will diverge into two branches. The centre line of the route for one of such branches shall run thence in a curve southwesterly under Lexington avenue and private property to East Thirty-sixth street; thence westerly along East Thirty-sixth street to a point about 100 feet easterly from the intersection of the centre line of East Thirty-sixth street with the easterly line of Fifth avenue; thence in a curve southwesterly under East Thirty-sixth street and private property to Fifth avenue, and thence southerly along Fifth avenue to a point between Thirty-fourth and Thirty-fifth streets, where it shall be rejoined by the second branch, diverging as above stated. The centre line of the route for the said second branch shall run from the said point of divergence in Lexington avenue southerly under Lexington avenue to a point about half way between East Thirty-fifth and East Thirty-sixth streets; thence in a curve southwesterly under Lexington avenue and private property to East Thirty-fifth street; thence westerly along East Thirty-fifth street to a point about 100 feet easterly from the intersection of the centre line of East Thirty-fifth street with the easterly side of Fifth avenue; thence in a curve southwesterly under East Thirty-fifth street and private property to Fifth avenue, and thence in a curve under Fifth avenue and rejoining the branch first above described at a point between Thirty-fourth and Thirty-fifth streets. From the last-mentioned point the centre line of the route shall run southerly under Fifth avenue to a point about half way between West Twenty-fourth and West Twenty-fifth streets produced; thence along Madison square and into Broadway; thence southerly along Broadway, passing under Union square, and still southerly under Broadway to Chambers street, at which point a loop will begin,

as hereinafter stated; thence southerly along Broadway to a point between Vesey street and Barclay street; thence in a curve southwesterly under Broadway and private property to Vesey street; thence westerly along Vesey street to a point about 100 feet easterly from the intersection of the centre line of Vesey street with the easterly side of Church street; thence in a curve southwesterly under Vesey street and private property to Church street; thence southerly along Church street and Trinity place and curving at the southerly end of Trinity place into Greenwich street, and thence southerly under Greenwich street and under and across Battery place and under Battery Park to a suitable terminus therein.

And also a loop the centre line of which shall begin, as above stated, in the Borough of Manhattan at or near the intersection of Broadway and Chambers street; running thence southeasterly in a curve under Broadway and the City Hall Park, recurving southerly and westerly under the City Hall Park and Broadway at a point about opposite the centre line of Murray street, and rejoining the main line at a suitable point in Broadway, between Murray street and Chambers street.

General Plan of Construction.

The general plan of construction hereby adopted for the foregoing routes is as follows:

For the route running under Lexington avenue, from about East Forty-third street to East One Hundred and Twenty-ninth street, known as section 5-O, there shall be four tracks. For the route running westerly and southwesterly from the southerly end of route 5-O under East Forty-second street, and known as section 5-A, there shall be four tracks. For the route running northerly from Lexington avenue and East One Hundred and Twenty-ninth street under the Harlem River, Third avenue and Morris avenue, known as section 5-B, there shall be four tracks up to the point where the said route begins to curve in order to join the subway at East One Hundred and Forty-ninth street, and from that point there shall be two tracks. For the route running northerly from East One Hundred and Twenty-ninth street and Lexington avenue under the Harlem River and Park avenue and other streets, known as section 5-C, including the various spurs above described, there shall be two tracks, except that in the loop north of East One Hundred and Fifty-second street there shall be one track. For the route running southerly from a point near East Forty-third street and Lexington avenue, known as section 5-D, above described, there shall be four tracks as far south as the point between East Thirty-sixth and East Thirty-seventh streets, where the line diverges as above described; there shall be two tracks from the point of divergence through East Thirty-sixth street and Fifth avenue to the point where the lines reunite; and two tracks from the point of divergence through Lexington avenue and East Thirty-fifth street to the said point in Fifth avenue, where the lines reunite; and for the remainder of the distance southerly under Fifth avenue and Broadway there shall be four tracks as far south as Chambers street. From Chambers street southerly under Broadway, Vesey street, Trinity place and Green-

wich street there shall be two tracks. In the loop under the City Hall Park there shall be one track. There shall be as many additional tracks as may be needed for convenient operation of terminals under Battery place and Battery Park.

All of the above mentioned tracks shall be placed in subway or tunnel substantially parallel with each other and on substantially the same level; except that wherever required by special necessities of surface or subsurface structures or other special or local necessities, and except for the purpose of avoiding grade crossings at Lexington avenue and Thirty-fifth street, Lexington avenue and Thirty-sixth street, Lexington avenue and One Hundred and Twenty-ninth street, Third avenue and One Hundred and Thirty-eighth street, One Hundred and Forty-ninth street, near Cortlandt avenue; Park avenue and One Hundred and Thirty-eighth street, or at the City Hall Park loop, or elsewhere, any one or more of the tracks may be depressed below the level of the other track or tracks to a depth of not more than 20 feet.

The tracks shall be placed in general under the central part of the longitudinal streets of the route so far as may be practicable and convenient; except that in Morris avenue they shall be placed on the westerly side of said avenue; and except that in turning from Fifth avenue to Broadway, as described in section 5-D above, the tracks may be placed as far easterly as necessary, or under the surface of Madison Square; and wherever else required by special or local necessities, or for curves, the tracks or any one or more of them may be diverted as far as necessary to one side or the other of the longitudinal streets of the route or any of them. But in Fifth avenue and Broadway no wall of the tunnel or part thereof (except at stations, station approaches, points where the route passes from streets to private property, curves and places of access to subsurface structures, as hereinafter provided) shall be within the distance of five feet of the exterior line or side of the longitudinal street of the route. In all other longitudinal streets of the route, any part of such streets may be occupied so far as the purposes of this general plan require.

The tracks under East Thirty-fifth street and East Thirty-sixth street may be constructed in and occupy the same tunnel as another subway to be built under the said streets between Third avenue and Eighth avenue.

The roof of the tunnels when under a street shall be as near the surface of the street as street conditions and grades will conveniently permit; except that under East Thirty-fifth and East Thirty-sixth street and under East One Hundred and Forty-ninth street and Park avenue, the tunnel shall be so constructed as to pass under the subway constructed under resolutions of this Board adopted January 14 and February 4, 1897; and except also that near the intersection of Third avenue and East One Hundred and Thirty-eighth street the tunnel may, if necessary, be depressed to a depth sufficient to allow other tunnels or subways to be constructed over and across it.

The tunnels above described shall in no case be less than thirteen feet in height in the clear.

The roof of the said tunnels shall be of iron or steel, with brick or concrete arches, supported when necessary by iron or steel or masonry columns and resting upon masonry walls; or the roof shall be a masonry structure; or the whole of the lining may be of metal.

Adjacent tracks shall be connected by necessary and suitable switches and connections, and an additional track for siding accommodations may be constructed not to exceed in length one quarter of a mile for each mile of roadway.

The tracks may at any point of the said route, or of the spur or loops therein included, be placed in the same tunnel; or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four feet and eight and a half inches between the rails. There shall be a width in the tunnels not exceeding fifteen feet for each track in addition to the thickness of the supporting walls, except that at stations, switches, turnouts, curves and crossovers the width may be increased.

Stations and station approaches shall, in general, be at the intersections of streets, and shall be built under the streets and immediately adjoining private abutting property, or through or under private property to be acquired for the purpose. The streets under which stations or station approaches shall be built may include cross streets, but no part of any cross street shall be used for a station approach at a distance greater than seventy-five feet from the exterior line or side of the longitudinal street of the route.

Wherever along any part of the routes above described it shall be necessary for the proper maintenance or accommodation of pipes, wires, sewers or other subsurface structures, the removal, construction or reconstruction of which shall be rendered necessary by the construction of the railway, the width of any tunnel or subway may be enlarged on either or both sides by an additional width on each side of the route, not to exceed fifteen feet on either side, provided always that the limits hereinbefore provided as to certain longitudinal streets of the route shall be observed. All or any pipes, wires, sewers or other subsurface structures may be placed in suitable galleries to be constructed within the additional widths hereinbefore permitted. At each cross street where accommodation for pipes, wires, sewers and other subsurface structures shall be those provided within the tunnels or subways, such tunnels or subways, in order to provide convenient access to the same, may have, within the limit of the sides or exterior lines of such cross streets or such lines produced, an additional width on each side of the routes not to exceed fifteen feet.

Pipes, wires, sewers and other subsurface structures at any part of the said routes shall be removed or disturbed only when necessary for the construction and operation of the railway above referred to, and if removed or disturbed shall be placed under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall

be left or shall be so arranged as to give free access for their repair or alteration, or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling or excavation under cover, except in places where this Board shall give express permission to construct by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed shall be replaced under the direction and to the satisfaction of the said Department.

Mode of Operation.

The general mode of operation of the route or routes above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors shall be capable of moving trains at a speed of not less than forty miles per hour for long distances, exclusive of stops.

Definitions.

The word "street" wherever used herein, shall include an avenue or public place.

The words "Rapid Transit Act" wherever used herein shall be taken and held to mean chapter 4 of the Laws of 1891 as amended by chapter 752 of the Laws of 1894, and other acts of the Legislature.

Maps and Drawings.

It is further

Resolved, That the twelve maps and drawings entitled "Board of Rapid Transit Railroad Commissioners of the City of New York—Routes and General Plan," one of the said drawings being marked "Key Map No. 3 Borough of Manhattan," two of the said drawings being marked "Manhattan No. 3" sheets Nos. 1 and 3, one of the said drawings being marked "Manhattan Nos. 3 and 4," sheet No. 2, one of the said drawings being marked "Key Map, No. 4, Borough of Manhattan," five of the said drawings being marked "Manhattan No. 4" sheet No. 1 and sheets Nos. 3 to 6 inclusive, and two of the said drawings being marked "Manhattan, Nos. 4 and 2" sheets Nos. 7 and 8, are hereby adopted as showing the foregoing routes and general plans, for convenience merely, and that said maps and drawings are not to be deemed a part of the description of the routes or a part of the general plans, for any purposes whatever.

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Carried.

MODIFICATION OF GERARD AVENUE ROUTE.

Upon motion, duly seconded, the following was adopted:

Whereas, The Board of Rapid Transit Railroad Commissioners for The City of New York did, on the 1st day of June, 1905, adopt certain routes and general plan for

a rapid transit railway in The City of New York, a copy of which is hereto annexed entitled "Copy Routes and General Plan adopted 1st June, 1905," and which route is known as the Gerard Avenue Route; and

Whereas, The said routes and general plan were afterwards duly approved by the Board of Estimate and Apportionment of The City of New York, on the 14th day of July, 1905, by the Mayor of The City of New York on the 28th day of July, 1905, and were duly approved by commissioners appointed by the Appellate Division of the Supreme Court in the First Judicial Department, which consent was duly confirmed by the said Appellate Division and its consent given to the said routes and general plan in lieu of the consent of the owners of a majority in value of the property along the said route, by an order entered on the 19th day of October, 1906; and

Whereas, The Public Service Commission for the First District was the successor of the Board of Rapid Transit Railroad Commissioners for The City of New York, pursuant to the provisions of chapter 429 of the Laws of 1907, has duly made the inquiries and investigation necessary or proper in the premises, and has determined that the modification and amendment of the said route and general plan hereinafter set forth is necessary for the interest of the public and of The City of New York and should be established as hereinafter provided; now, therefore, be it

Resolved, That subject to the approvals and consents to be first obtained, as in this resolution hereinafter mentioned, the said routes and general plan heretofore adopted by the said Board of Rapid Transit Railroad Commissioners for The City of New York be and they hereby are modified and amended in the following respects:

(1) By striking out from the said routes and general plan the portion of the second paragraph under the head of General Plan of Construction as follows, to-wit:

"except that northerly from the point in Gerard avenue near the southerly side of East One Hundred and Sixty-eighth street, where the route separates into two routes, there shall be two ascending tracks and two descending tracks."

And by substituting in the place and stead thereof the words as follows, to wit:

except that northerly from One Hundred and Fifty-first street and Gerard avenue there shall be three tracks to the point near the southerly side of East One Hundred and Sixty-eighth street where the route separates into two routes; thence northerly there shall be three ascending and three descending tracks.

So that the whole of said paragraph shall read as follows:

For the whole of the route above described there shall be two tracks; except that northerly from One Hundred and Fifty-first street and Gerard avenue there shall be three tracks to the point near the southerly side of East One Hundred and Sixty-eighth street where the route separates into two routes; thence northerly there shall be three ascending and three descending tracks.

(2) By modifying the following portion of the third paragraph under the head of "General Plan of Construction:"

"where the route separates into two routes, the tracks shall be at such levels and on such alignments as to permit of proper connection by two of such tracks

with a subway, and by two of such tracks with an elevated railway, in Jerome avenue;"

by substituting the word "three" for the word "two," so that the whole of said paragraph shall read as follows:

All of the above mentioned tracks shall be substantially parallel with each other and on substantially the same level; except that northerly from the said point in Gerard avenue, near the southerly side of East One Hundred and Sixty-eighth street, where the route separates into two routes, the tracks shall be at such levels and on such alignments as to permit of proper connection by three of such tracks with a subway, and by three of such tracks with an elevated railway, in Jerome avenue; and except also that wherever else required by special necessities of surface or subsurface structures or other special or local necessities, or for the purpose of avoiding grade crossings, any one or more of the tracks may be elevated above or depressed below the other track or tracks so far as may be necessary.

(3) By modifying the portion of the fourth paragraph under the head of "General Plan of Construction:"

"The tracks shall be placed in tunnels or subways, except that northerly from the point where one of the routes or branches above described emerges to the surface in Gerard avenue two of the tracks shall be carried upon a viaduct over and along Gerard avenue and over and along Jerome avenue."

by substituting the word "three" for the word "two."

So that the said paragraph shall read as follows:

The tracks shall be placed in tunnels or subways, except that northerly from the point where one of the routes or branches above described emerges to the surface in Gerard avenue three of the tracks shall be carried upon a viaduct over and along Gerard avenue and over and along Jerome avenue.

Resolved, That whereas this Commission has duly made the inquiries and investigation necessary or proper in the premises and has determined that the modification and amendment aforesaid of the said routes and general plan were necessary for the interest of the public and of The City of New York, and should be established as herein provided, this Commission does hereby determine and establish the said modification and amendment, subject to the approvals and consents to be first obtained as herein-after mentioned; and it is further

Resolved, That the said modification and amendment of the routes and general plan shall take effect only upon and after the following approvals thereof and consents thereto shall be duly had, to wit:

I. The approval and consent of the Board of Estimate and Apportionment of The City of New York.

II. The approval of the Mayor of The City of New York.

III. The consents of the owners of a majority in value of the property upon the portion of the said routes hereby modified and amended, or if such consents cannot be obtained, then in lieu thereof the determination of three commissioners to be appointed by the Appellate Division of the Supreme Court, in and for the First Judicial Department, duly confirmed by the said Appellate Division; and it is further

Resolved, That the two maps entitled "Public Service Commission for the First District, Routes and General Plan, Bronx Key May A and Bronx A—Sheet No. 2," are hereby adopted as showing the modification hereby adopted of the foregoing routes and general plan, for convenience merely, and that said maps are not to be deemed a part of the description of the routes, or a part of the general plan for any purpose whatever.

COPY ROUTES AND GENERAL PLANS ADOPTED JUNE 1, 1905.

Whereas, The Board of Rapid Transit Railroad Commissioners for The City of New York has determined that a rapid transit railway or railways for the convenience and transportation of persons and property in addition to those already existing, authorized or proposed are necessary for the interest of the public and of The City of New York, and should be established therein as hereinafter provided; and

Whereas, This Board has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination; now therefore

This Board, by the concurrent votes of at least six members, does hereby adopt the following route or routes for an additional rapid transit railway or railways in The City of New York and does hereby determine and establish the said additional route or routes thereof as follows, and does hereby adopt a general plan of construction of the said railway or railways, the route or routes of which are herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Board, in adopting the said route or routes and general plans, expressly reserves all the powers in relation to the construction of the said route or routes which are conferred upon it by section 34 of the Rapid Transit Act. In particular it reserves the right to contract for the construction of the whole road or all the roads provided for in the following plans in a single contract; or by separate contracts, executed from time to time, to provide for the construction of parts of said road or roads or for the construction at first of two or more tracks over a part or parts of such road or roads, and afterwards of one or more additional tracks over a part or parts of such road or roads, as the necessities of The City of New York and the increase of its population may in the judgment of this Board require; or to provide in a contract for any part of such railroad that at a future time upon the

requirement of this Board, the contractor shall construct the remainder or any **part** of the remainder of said road as the growth of the population or the interests of **the** City may, in the judgment of this Board, require.

Route.

A route lying wholly within the Borough of The Bronx, the centre line of which shall begin at a suitable point in East One Hundred and Thirty-eighth street, between the westerly side of Third avenue and the easterly side of Park avenue, at which a connection or connections can be made with spurs curving thence northerly and southerly to unite with subways to be hereafter constructed under and along Third avenue and under and along Park avenue. From the said point of beginning the centre line of said route shall run westerly under and along East One Hundred and Thirty-eighth street to a point near the intersection of the centre line of East One Hundred and Thirty-eighth street with the centre line of Walton avenue; thence curving northwesterly to a point near the intersection of the northerly line of East One Hundred and Thirty-eighth street with the easterly side of Gerard avenue; thence under private property to Gerard avenue and under and along Gerard avenue to a point near the southerly side of East One Hundred and Sixty-eighth street where the said route shall separate into two routes along the same avenue, but at different levels. One of the said routes shall continue northerly on a descending grade under the surface of Gerard avenue curving into Jerome avenue and uniting at a suitable point between Clarke place and East One Hundred and Seventieth street with a subway to be hereafter constructed under Jerome avenue. The other of the said routes running from the said point in Gerard avenue near the southerly side of East One Hundred and Sixty-eighth street, shall begin to ascend and shall emerge to the surface and continue northerly over and along Gerard avenue, curving into Jerome avenue and uniting near the intersection of Clarke place with an elevated structure to be constructed over and along Jerome avenue.

General Plan of Construction.

The general plan of construction hereby adopted for the foregoing route is as follows:

For the whole of the route above described there shall be two tracks; except that northerly from the point in Gerard avenue near the southerly side of East One Hundred and Sixty-eighth street, where the route separates into two routes, there shall be two ascending tracks and two descending tracks.

All of the above mentioned tracks shall be substantially parallel with each other and on substantially the same level; except that northerly from the said point in Gerard avenue, near the southerly side of East One Hundred and Sixty-eighth street, where the route separates into two routes, the tracks shall be of such levels and on such alignments as to permit of proper connection by two of such tracks with a subway, and by two of such tracks with an elevated railway, in Jerome avenue; and

except also that wherever else required by special necessities of surface or subsurface structures or for special or local necessities, or for the purpose of avoiding grade crossings, any one or more tracks may be elevated above or depressed below the other track or tracks so far as may be necessary.

The tracks shall be placed in tunnels or subways, except that northerly from the point where one of the routes or branches above described emerges to the surface in Gerard avenue, two of the tracks shall be carried upon a viaduct over and along Gerard avenue and over and along Jerome avenue.

The tracks shall be placed in general under the central part of the longitudinal streets forming a portion of the route above described so far as may be practicable and convenient; but wherever required by special or local necessities or for curves, the tracks or any or one or more of them may be diverted as far as necessary to one side or the other of such streets or any of them. But in East One Hundred and Thirty-eighth street and Jerome avenue no wall of the tunnel or viaduct or any part thereof (except at stations, station approaches, points where the route passes from streets to private property, curves and places of access to subsurface structures, as hereinafter provided) shall be within a distance of five feet of the exterior line or side of the said street. In all other longitudinal streets of the route, any part of such streets may be occupied so far as the purposes of this general plan require.

Wherever the tracks change from tunnel to viaduct, or from viaduct to tunnel, the change shall be so made as to involve the use of the surface to the least possible extent consistent with the proper gradient for the tracks.

Wherever necessary for the proper support of the surface of a street the roof of the tunnels shall be of iron or steel, with brick or concrete arches, supported, when necessary, by iron or steel or masonry columns and resting upon masonry walls; or the roof shall be a masonry structure, or the whole of the lining may be of metal.

The roof of the tunnels when under a street shall be as near the surface as street conditions and grades will conveniently permit.

The tunnels shall in no case be less than thirteen feet in height in the clear.

There shall be a width in the tunnels not exceeding fifteen feet for each track in addition to the thickness of the supporting walls, except that at stations, switches, turnouts, curves and cross overs the width may be increased.

Viaducts shall be built with a width of twelve and one-half feet for each track, except on curves or where greater width is required for special construction, and with an additional width of three feet on each side for outside footways. Viaducts may be built of metal or of masonry or of both.

The tracks shall be of standard gauge, that is to say, of the width of four feet and eight and a half inches between the rails.

Adjacent tracks shall be connected by necessary and suitable switches and connections and an additional track for siding accommodations may be constructed not to exceed in length one quarter of a mile for each mile of roadway.

The tracks, wherever constructed below the surface, may at any point of the route be placed in the same tunnel; or there may be separate tunnels for one or more tracks, as shall be most convenient.

Stations and station approaches shall, in general, be at the intersections of streets, and shall be built under or, if the position of the tracks so require, over the streets and immediately adjoining private abutting property or through private property to be acquired for the purpose, or both under or over streets and through private property as aforesaid. The streets under which stations or station approaches shall be built may include cross streets, but no part of any cross street shall be used for a station approach at a distance greater than seventy-five feet from the exterior line or side of the longitudinal street of the route.

Wherever along any part of the routes above described it shall be necessary for the proper maintenance or accommodation of pipes, wires, sewers or other subsurface structures, the removal, construction or reconstruction of which shall be rendered necessary by the construction of the railway, the width of any tunnel or subway may be enlarged on either or both sides by an additional width on each side of the route, not to exceed fifteen feet on either side, provided always that the limits hereinbefore provided as to certain longitudinal streets of the route shall be observed. All or any pipes, wires, sewers or other subsurface structures may be placed in suitable galleries to be constructed within the additional widths hereinbefore permitted. At each cross street where accommodation for pipes, wires, sewers and other subsurface structures shall be those provided within the tunnels or subways, such tunnels or subways, in order to provide convenient access to the same, may have, within the limit of the sides or exterior lines of such cross streets or such lines produced, an additional width on each side of the routes not to exceed fifteen feet.

Pipes, wires, sewers, street railway tracks, poles for electric wires and other subsurface structures at any part of the said routes shall be removed or disturbed only when necessary for the construction and operation of the railway above referred to, and if removed or disturbed shall be placed upon, over or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration, or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction of subways shall be by tunneling or open excavation.

In parks, parkways, and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall be replaced, under the direction and to the satisfaction of said Department.

Mode of Operation.

The general mode of operation of the route or routes above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors shall be capable of moving trains at a speed of not less than forty miles per hour for long distances, exclusive of stops.

Definitions.

The word "street," wherever used herein, shall include an avenue or public place.

The words "Rapid Transit Act," wherever used herein, shall be taken and held to mean chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railroads in cities of over one million inhabitants," as amended by chapter 752 of the Laws of 1894 and other acts of the Legislature.

Maps and Drawings.

It is further

Resolved, That the maps and drawings, entitled "Board of Rapid Transit Railroad Commissioners of The City of New York—Routes and General Plan," one of the said drawings being marked "Key Map No. 1, Borough of The Bronx," and two of the said drawings being marked "Bronx, No. 1," sheets Nos. 11 and 12, be and they are hereby adopted as showing the foregoing routes and general plans, for convenience merely, and that said maps and drawings are not to be deemed a part of the description of the routes or a part of the general plans, for any purpose whatever.

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Carried.

RESOLUTIONS FOR CANAL STREET ROUTE.

Upon motion, duly seconded, the following was adopted:

Whereas, The Public Service Commission for the First District has determined that a rapid transit railway or railways for the convenience and transportation of persons and property, in addition to those already existing, authorized or proposed, are necessary for the interest of the public and of The City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises, and all such inquests and investigations as are necessary or proper for such determination,

Now, therefore, this Commission does hereby adopt the following route or routes for an additional rapid transit railway or railways in The City of New York, and does hereby determine and establish the said additional route or routes thereof as follows, and does hereby adopt a general plan of construction of the said railway or railways, the route or routes of which are herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to matter of construc-

tion as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission in adopting the said route or routes and general plans expressly reserves all the powers in relation to the construction of the said route or routes which are conferred upon it by section 34 of the Rapid Transit Act. In particular, it reserves the right to contract for the construction of the whole road or all the roads provided for in the following plans in a single contract; or by separate contracts executed from time to time, to provide for the construction of parts of said road or roads or for the construction at first of two or more tracks over a part or parts of such road or roads and afterwards of one or more additional tracks over a part of such road or roads as the necessities of The City of New York and the increase of its population may in the judgment of this Board require; or to provide in a contract for any part of such railroad that at a future time upon the requirement of this Commission the Contractor shall construct the remainder or any part of the remainder of said road as the growth of the population or the interests of the City may, in the judgment of this Commission, require.

Route.

A route lying wholly within the Borough of Manhattan, the centre line of which shall begin at a suitable point in Canal street at or near Centre street at which a connection or connections can be made with a route running over the Manhattan Bridge, thence running westerly through and under Canal street to Hudson street; thence continuing westerly under Canal street to Washington street; thence in a loop curving southerly under Canal street, public park and private property to West street; thence southerly under West street and curving easterly under private property to Watts street; thence easterly under Watts street to Canal street and at or near the intersection of Canal and Hudson streets joining the line on Canal street described above. Also two spurs connecting the route hereby described with a rapid transit railroad to be constructed under Broadway. One of such spurs to begin at a point in Canal street at or near Lafayette street; running thence westerly along and under Canal street, on the northerly side thereof to a point between Lafayette street and Broadway, where it curves in a northwesterly direction under private property to Broadway, connecting with the said rapid transit railroad under Broadway at about Grand street. The other of such spurs to begin at a point in Canal street at or near Lafayette street; running thence westerly along and under Canal street, on the southerly side thereof, to a point between Lafayette street and Broadway, where it curves in a southwesterly direction under private property to Broadway, connecting with the said rapid transit railroad under Broadway at about White street.

General Plan of Construction.

The general plan of construction hereby adopted for the foregoing route is as follows:

For the part of the route from Centre street to Hudson street there shall be four tracks; for the entire remainder of the route, including the spurs above described, there shall be two tracks. There shall be as many additional tracks as may be needed for convenient operation of terminals under the public park and streets at Canal, Hoboken and West streets.

All of the above mentioned tracks shall be placed in subway or tunnel substantially parallel with each other and on substantially the same level; except that wherever required by special necessities of surface or subsurface structures or other special or local necessities, or for the purpose of avoiding grade crossings, any one or more of the tracks may be depressed below the level of the other track or tracks so far as may be necessary.

The tracks shall be placed in general under the central part of the longitudinal streets of the route so far as may be practicable and convenient, except that wherever required by special or local necessities or for curves the tracks or any one or more of them may be diverted as far as necessary to one side or the other of the longitudinal streets of the route or any of them. In all such longitudinal streets of the route any part of such streets may be occupied so far as the purposes of this general plan require.

The roof of the tunnels shall be as near the surface of the street as street conditions and grades and rapid transit railroads heretofore proposed or constructed will conveniently permit.

The tunnels above described shall in no case be less than thirteen (13) feet in height in the clear.

The roof of the said tunnels shall be of iron or steel with brick or concrete arches, supported when necessary by iron or steel or masonry columns and resting upon masonry walls; or the roof shall be a masonry structure, or the whole of the lining may be of metal.

Adjacent tracks shall be connected by necessary and suitable switches and connections, and additional track for siding accommodations may be constructed not to exceed in length one-fourth of a mile for each mile of roadway.

The tracks from Wooster street to Centre street may be partly constructed in and occupy the same tunnels as other subways to be built under part of Canal street as portions of other rapid transit routes adopted by the Board of Rapid Transit Railroad Commissioners for The City of New York.

The tracks may at any point of the said route or of the loop therein included be placed in the same tunnel; or there may be separate tunnels for one or more tracks as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half ($8\frac{1}{2}$) inches between the rails. There shall be a width in the tunnels not exceeding fifteen (15) feet for each track in addition to the thickness of the supporting walls, unless it shall be necessary to tunnel by the shield

method, in which event the tracks may be placed in tubes not exceeding twenty (20) feet in diameter and driven or placed along such part of the street or streets as shall be most convenient, except that at stations, switches, turnouts, curves and crossovers the width or diameter may be increased.

Stations and station approaches shall in general be at the intersection of streets and shall be built under the streets and immediately adjoining private abutting property or through or under private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station approaches shall be built may include cross streets, but no part of any cross street shall be used for a station approach at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal street of the route.

Wherever along any part of the routes above described it shall be necessary for the proper maintenance or accommodation of pipes, wires, sewers or other subsurface structures, the removal, construction or reconstruction of which shall be rendered necessary by the construction of the railway, any tunnel or subway may be enlarged on either or both sides by an additional width not to exceed fifteen (15) feet on each side of the route. All or any pipes, wires, sewers or other subsurface structures may be placed in suitable galleries to be constructed within the additional width hereinbefore permitted. At each cross street where accommodation for pipes, wires, sewers and other subsurface structures shall be thus provided within the tunnels or subways, such tunnels or subways, in order to provide convenient access to the same, may have, within the limit of the sides or exterior lines of such cross streets or such lines produced, an additional width on each side of the route not to exceed fifteen (15) feet.

Pipes, wires, sewers and other subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction and operation of the railway above referred to, and if removed or disturbed shall be placed under the several streets in such manner and in such location that the use and the service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration, or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling or excavation under cover, except in places where this Commission shall give express permission to construct by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed shall be replaced under the direction and to the satisfaction of the said Department.

Mode of Operation.

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors shall be capable of moving trains at a speed of not less than forty (40) miles per hour for long distances, exclusive of stops.

Definitions.

The word "street" wherever used herein shall include an avenue or public place.

The words "Rapid Transit Act" wherever used herein shall be taken and held to mean chapter 4 of the Laws of 1891 as amended by chapter 752 of the Laws of 1894, and by other acts of the Legislature.

Maps and Drawings.

It is further

Resolved, That the maps and drawings entitled "Public Service Commission for the First District, Manhattan Key Map A and Manhattan A—Sheet No. 1," are hereby adopted as showing the foregoing routes and general plans, for convenience merely, and that said maps and drawings are not to be deemed a part of the description of the route or a part of the general plans, for any purpose whatever.

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Carried.

The following resolution was moved and duly seconded:

Resolved, That the Chairman and Secretary of the Commission be and they hereby are authorized to address a communication to the Board of Estimate and Apportionment of The City of New York, transmitting the modification of the routes and general plans of the Lexington avenue and Gerard avenue routes and the routes and general plans for the Canal street route, in form substantially as set forth.

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Carried.

The said form of communication to the Board of Estimate and Apportionment was as follows:

To the Board of Estimate and Apportionment of The City of New York:

The Public Service Commission for the First District, as organized, pursuant to the provisions of chapter 429 of the Laws of 1907, has, since its induction into office, conducted a careful and extended investigation of the traffic conditions and necessities of the people of The City of New York. The intolerable and indecent congestion, and the resultant danger to life and health, is so self-evident that prompt and effective measures for its relief are imperatively necessary. The Commission, under the powers of regulation and supervision of the present railroads, given it by chapter 429 of the

Laws of 1907, has issued orders for large additions to and improvements in the present accommodations, but without the construction of additional railroads to meet the rapidly increasing population of the City, it is the opinion of the Commission that no permanent relief can be afforded. The population of the City in 1905 was four million and fourteen thousand (4,014,000) people and the traveling population one billion two hundred and thirty-one million (1,231,000,000) people. It is estimated that the population of the City at the present rate is doubling every thirty to thirty-two years, and that the traveling population is doubling every twelve years. It is manifest that the present accommodations cannot keep pace with this increase, and when the enormous population that provision must be made for within the next one or two decades is considered, the stupendous transportation problem before the City is apparent.

The Commission has carefully examined the Rapid Transit routes, adopted by the Board of Rapid Transit Railroad Commissioners for The City of New York, with a view to selecting for construction the ones that will give the maximum relief at the present time. The present subway gives substantial relief to the west side of the Borough of Manhattan, north of Forty-second street, but affords little or no relief to the east side of the Borough north of that point and its route in The Bronx is open to the objection that a great proportion of its passengers are obliged to travel over a very circuitous route in order to reach the downtown business district.

In the opinion of the Commission, the first Rapid Transit system that should be constructed in Manhattan and The Bronx is one that will accommodate the large population on the east side of the Borough of Manhattan, and at the same time will furnish substantial additional facilities to the Borough of The Bronx. The Lexington avenue route, as advertised for bids by the former Rapid Transit Board, was admirable in many respects, but had at least two very important defects; first, and most important, in that it did not extend far enough into The Bronx to afford any large measure of relief to that portion of the City; and, secondly, that south of Forty-third street, in Manhattan, the line contained such sharp curves as would seriously lessen the speed of trains, increase the cost of operation and diminish the capacity of the road. With some modifications, however, the Lexington avenue route, as adopted by the Rapid Transit Board, should form the nucleus of the proposed new system. The most pressing necessity for new subways in Manhattan is on the east side, and although there are strong reasons for the selection of the other east side routes, the Commission, after a careful consideration of the subject, and after having had the benefit of a public hearing on the question, has concluded that the Lexington avenue route would best meet the present needs, although in the near future lines must also be constructed upon other longitudinal avenues.

The system which the Commission proposes to construct as soon as the means are at hand begins at the Battery, in Manhattan, and runs north along Church street to Vesey street, through Vesey street to Broadway, northerly along Broadway, with important cross-town connections at Canal street, to about East Ninth street, where it

leaves Broadway and continues through private property and across the several cross streets to Irving place; thence northerly along Irving place and through Gramercy Park to Lexington avenue, whence it continues northerly along Lexington avenue and under the Harlem River to the Borough of The Bronx, where it branches into two lines, one line connecting with the Gerard avenue and Jerome avenue routes, and running as far north as Woodlawn Cemetery, and the other line running generally northeasterly and along the Southern boulevard and Westchester avenue route to Pelham Bay Park.

The routes upon which this system is based were laid out by the Rapid Transit Board and only certain changes, which are embodied in the resolutions amending such routes transmitted herewith, are necessary to provide for proper connections and to eliminate sharp curves. These modifications are necessary in order to utilize this system to its utmost capacity, and may be summed up shortly as follows:

(1) Changing the road north of One Hundred and Twenty-ninth street to a point in Park avenue in The Bronx, from a two track structure to a four track structure.

(2) Providing for a branch in The Bronx beginning in Park avenue at about East One Hundred and Thirty-fifth street and extending up Mott avenue to East One Hundred and Fifty-first street, and through One Hundred and Fifty-first street to Gerard avenue, where a connection can be made with the proposed Gerard avenue subway, with a spur through East One Hundred and Thirty-eighth street to make a connection with the proposed Southern boulevard and Westchester avenue route.

(3) Changing the proposed Gerard avenue subway north of East One Hundred and Fifty-first street from a two track road to a three track road.

(4) Provision for a direct line through Gramercy Park, Irving place and private property to Broadway.

By changing the route north of East One Hundred and Twenty-ninth street into Park avenue from a two track road to a four track road, adequate provision is made to accommodate the large population now in The Bronx and leave room for meeting the necessities of future traffic. The same may be said of the change in the Gerard avenue route from a two track road to a three track road. Under present conditions a two track road will not allow of express service during the rush hours in one direction or the other, and the consequent congestion is bound to have its effect on the entire road. The change of the Park avenue section from a two track road to a four track road also allows provision for running the trains of the New York Central and Hudson River Railroad through to the down-town districts either from a connection at East One Hundred and Thirty-eighth street, or from a connection with the Putnam Division. By the construction of the branch from Park avenue through Mott avenue the connection with the Gerard avenue and Jerome avenue routes is straightened and opportunity given for more rapid and less expensive service, while the spur through One Hundred and Thirty-eighth street will give the Lexington avenue route

its important connection with the Southern boulevard and Westchester avenue route. The branches and spurs laid out by the former Rapid Transit Board as part of the Lexington avenue route and extending across the Harlem River through Third avenue to Morris avenue and along Park avenue to East One Hundred and Fifty-sixth street and through East One Hundred and Fifty-third street to the Putnam Division of the New York Central and Hudson River Railroad are retained as furnishing an important nucleus for future extensions of the line further north in The Bronx. It will be seen that this arrangement permits the utilization of the Lexington avenue subway to its utmost capacity and affords marked relief to two widely separated sections of The Bronx. If at the time when contracts are prepared for these routes there is any immediate likelihood of the construction of other important east or west side roads, provision may be considered for the joining of the one or more of The Bronx routes to other systems. In the Borough of Manhattan the addition of the section through Irving place straightens the line of the railroad, and by the elimination of sharp curves will permit the operation of trains at high speed and lower the operating cost, while the Fifth avenue route may still be retained for future necessities as furnishing a valuable artery through the shopping district and as affording an outlet for the local service, leaving the direct route down Irving place open for express service.

To afford the maximum scope for this proposed system, the Commission has also adopted, and transmits herewith resolutions adopting routes and general plan for a cross town line in the Borough of Manhattan, which runs east and west through Canal street, with a loop at the westerly end, and at the easterly end connects with the Manhattan Bridge route revised, heretofore adopted by the Board of Rapid Transit Railroad Commissioners, providing a route over the Manhattan Bridge to Brooklyn. The cross town traffic facilities in the lower portion of the Borough of Manhattan are old and inadequate, making it difficult for a large part of the population to reach the great steamship district on the west side of Manhattan, either from the east side of Manhattan or from Brooklyn. Provision is made for connections between this route and the Lexington avenue route at Broadway, thus affording an opportunity for through service from The Bronx or the east side of Manhattan to the shipping district on the North River or to the east for through service over the Manhattan Bridge to Brooklyn, and if deemed wise, continuing through the Fourth avenue subway to Fort Hamilton or Coney Island.

This combination of the Lexington avenue, Gerard avenue, Jerome avenue and Southern boulevard and Westchester avenue routes, as modified, with the new Canal street route, provides a comprehensive system of rapid transit that will afford the greatest present maximum relief to Manhattan and The Bronx, and by the Manhattan Bridge connection will give a convenient access into Manhattan to residents of Brooklyn, with a resultant relief of the congestion at the Brooklyn Bridge. The line also runs close enough at Fifty-ninth street to the Blackwell's Island Bridge and at Forty-second street to the Steinway tunnel to give a more direct route into the business dis-

trict of Manhattan to the residents of Queens. This system therefore embodies all the advantages of the Tri-Borough route, gives additional facilities to four out of five boroughs of the City, and in addition provides certain advantages which that route did not have, inasmuch as the Manhattan portion of the Tri-Borough route did not serve Broadway north of the Post Office.

Certified copies of resolutions modifying the routes and general plan of the Lexington avenue route and the Gerard avenue route and adopting routes and general plans for the Canal street route are herewith transmitted to your Honorable Body for approval as the authorities having control of the streets through which the proposed railways are to be constructed.

In witness whereof, this Commission has caused its seal to be hereto affixed and these presents signed by its Chairman and Secretary the 5th day of February, 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

By

Secretary.

Chairman.

TRAVIS H. WHITNEY, SECRETARY.

1000

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, FEBRUARY 7, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

There were present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)•

On motion, the record of the proceedings of the Commission for January 31, as printed in the CITY RECORD for February 5, and of February 4, as printed in the CITY RECORD for February 7, was approved.

(2)

3160

The Secretary stated that the following further communication by the Chairman had been transmitted to Assemblyman J. Mayhew Wainwright, Chairman of the Assembly Committee on Railroads, relative to the matter of Assembly Bill No. 39:

February 4, 1908.

Hon. J. MAYHEW WAINWRIGHT, Chairman of the Committee on Railroads, Assembly Chamber, Albany, New York:

SIR—Referring to your inquiry of the Commission with regard to the bill of Assemblyman Wagner (No. 39), and the reply transmitted by the Secretary on January 30 last, and the conversation at this office yesterday, I beg to state somewhat more fully the views of the Commission on the subject of railroad rate regulation.

Since the passage of the Public Service Commissions Law and the appointment of the Commission on July 1 last, the Commission has had power, under section 49 of the act, after a hearing upon a complaint in writing (section 48) made by some person aggrieved that rates charged by a railroad or a street railroad for the transportation of persons within the State are unjust, unreasonable or in violation of law, to determine the just and reasonable rates to be thereafter in force as the

(10)

maximum to be charged for the service to be performed, and fix the same by order. The same section later on contains the following provision:

"The Commission shall have power, by order, to require any two or more common carriers or railroad corporations, whose lines, owned, operated, controlled or leased, form a continuous line of transportation or could be made to do so by the construction and maintenance of switch connection, to establish through routes and joint rates, fares and charges for the transportation of passengers, freight and property within the State as the Commission may, by its order, designate; and in case such through routes and joint rates be not established by the common carriers or railroad corporations named in any such order within the time therein specified, the Commission shall establish just and reasonable rates, fares and charges to be charged for such through transportation, and declare the portion thereof to which each common carrier or railroad corporation affected thereby shall be entitled and the manner in which the same shall be paid and secured."

Under this section the Commission has power to determine the just and reasonable rate to be charged by any one railroad operating to Coney Island, and also to require any two or more railroads whose lines form a continuous route to establish a through rate to Coney Island within a time specified; and if such companies do not do so the Commission may then establish a rate to be charged for through transportation to Coney Island at such amount as may be just and reasonable, and declare the amount to which each carrier shall be entitled.

It is to be noted, however, that a complaint is a necessary preliminary, and that this must be filed by some person aggrieved; that a hearing must be then had on notice to the companies interested, and that the rate established, whether it be five cents or any other amount, must be just and reasonable. A rate that is just and reasonable for one through route is not necessarily so for another through route, and so it is possible that a uniform rate of five cents by all routes cannot be established. A complaint, hearing and order as to each separate route to Coney Island is also necessary before the rate which is just and reasonable upon such route can be determined and established.

The matter is an important one to many, and in order that it may be taken up in an orderly way, as intended by the act in the interest of all, it may be well that a complaint be filed by some person aggrieved by existing rates as to each one of these separate through routes to Coney Island, setting out the name of the company which controls and operates the route; or if more than one company are necessary to make up a continuous route, then the names of every such company and the portion operated by it, the amount charged at present by the controlling company or by the successive companies in the particular route, and the statement that the amount taken by the companies for transportation of passengers through to Coney Island upon that route is unjust and unreasonable, and asking the Commission for such relief as may be proper in the premises.

The Commission has upon its files much information as to operating companies in Greater New York, which has been gathered by the Commission expressly for the public use and reference, and the Secretary of the Commission may be depended upon to furnish if desired any information or assistance in the preparation of the complaints.

Respectfully yours,

(Signed) Wm. R. WILLCOX,
Chairman to the Commission.

(3)

2033

The Secretary presented a communication from George S. Coleman, Counsel to the Commission, recommending that Joseph P. Shea be appointed from the certified Civil Service list, and on motion, duly seconded, it was

Resolved, That the following appointment be made from the Civil Service list:

Name.	Position.	Salary.	To Take Effect.
Joseph P. Shea.....	Law Clerk.....	\$50 per month	February 10, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(4)

O-243

Commissioner Eustis moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 243).

George A. Denholm and George W. M. Clark, complainants, vs. Union Railway Company, defendant.

Under Order for Hearing No. 170, made December 27, 1907.

This matter coming on upon the complaints of George A. Denholm and George W. M. Clark, dated November 23, 1907, and November 18, 1907, respectively, and the answer thereto of Union Railway Company, bearing date the 14th day of December, 1907, and the report of the hearing had herein on January 7, 1908, and January 14, 1908, and it appearing that said hearing was held by and pursuant to an order of the Commission, No. 170, made and entered the 27th day of December, 1907, and returnable on the 7th day of January, 1908, and that said order for hearing was duly served upon said Union Railway Company, and that said hearing was held by and before said Commission on the matters in said complaint, said answer and said order specified, on the 7th day of January, 1908, and by adjournment duly had to the 14th day of January, 1908, Mr. Commissioner Eustis presiding, and Grosvenor H. Backus, Esq., Assistant Counsel, appearing for the Commission, and Ambrose F.

(7)

O-245

Commissioner Bassett moved the adoption of the following order for extension of time to answer, which was duly seconded:

ORDER FOR EXTENSION OF TIME (No. 245).

In the Matter

of

The complaint of Frederick Erbe, Henry
Saul, Theodore Blau, Gus. Wernau, Siegfried Frankel, William S. Waters,
against

The Brooklyn, Queens County and Suburban Railroad Company.

An order, No. 215, having been made herein on or about the 24th day of January, 1908, ordering and directing the Brooklyn, Queens County and Suburban Railroad Company to answer the complaint herein within a time therein specified, and the Brooklyn, Queens County and Suburban Railroad Company having applied for an extension of such time,

Now, on motion, it is

Ordered, That the time of the Brooklyn, Queens County and Suburban Railroad Company within which to answer said complaint be and the same hereby is extended to and including the 14th day of February, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

O-246

Commissioner Eustis moved the adoption of the following rehearing order, which was duly seconded:

REHEARING ORDER (No. 246).

In the Matter

of

The hearing on the motion of the Commission on the question of improvements in and additions to the service and equipment of the Interborough Rapid Transit Company on its Third avenue elevated road.

Rehearing on matters contained in Order No. 221, entered January 28, 1908.

An order, No. 221, having been made and filed herein on January 28, 1908, under and pursuant to an order for a hearing, No. 145, made December 9, 1907, and thereafter having been duly served upon the Interborough Rapid Transit Company, the same to take effect by or before the 10th day of February, 1908, and in and by the said order the said Interborough Rapid Transit Company having been required to notify this Commission on or before the 5th day of February, 1908, whether the terms of said Order No. 221, are accepted and will be obeyed, and the said Interborough

Rapid Transit Company having on January 5, applied in writing to this Commission for a rehearing in respect to the matters contained in said Order 221, and sufficient reason for said rehearing having been made to appear,

Ordered, That said request for rehearing be granted, and that the said rehearing upon the matters contained in said Order No. 221, entered and filed on January 28, 1908, be held on the 17th day of February, 1908, at 11 in the forenoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to determine after such rehearing and after consideration of the facts, including those arising after the making of the Order 221, whether the original Order 221 or any part thereof is in any respect unjust or unwise, and whether the said Order 221 should be abrogated, changed or modified.

And if any such abrogation, changes or modifications are found to be such as ought to be made, then to determine the nature and extent of changes or modifications of the said order, and to determine the time of taking effect of the order as changed or modified.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said Interborough Rapid Transit Company be given at least five days' notice of such rehearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such rehearing said company shall be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to matters aforesaid; further

Ordered, That the time of the said Interborough Rapid Transit Company within which to comply with the terms of said Order No. 221 be and the same hereby is extended until such time as the Commission shall enter an order upon the rehearing herein provided for.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(9)

O-247

Commissioner Maltbie moved the adoption of the following order for answer, which was duly seconded:

ORDER FOR ANSWER (No. 247).

In the Matter
of

Certified copies of corporate documents to be furnished by the Consolidated Telegraph and Electrical Subway Company and the Empire City Subway Company.

Resolved, That the Consolidated Telegraph and Electrical Subway Company and the Empire City Subway Company, Limited, be and each of them hereby is required to furnish to the Public Service Commission for the First District and file with the

Secretary of said Commission within fifteen days after service upon such company of a certified copy of this resolution copies of each of the documents specified below, sworn or certified to be true copies of the originals thereof by an official of the company, and if any of such documents are on file or of record in any public office, stating that fact and the date and place of such filing or record:

- (1) Certificate of incorporation;
- (2) Supplemental or amended certificate of incorporation;
- (3) Certificates relative to capital stock, whether increase or decrease;
- (4) Consents of local authorities;
- (5) Contracts with local or City authorities;
- (6) Leases of real estate;
- (7) All agreements with companies operating or leasing duct space in any portion of your subways;
- (8) Copies of all agreements with public service corporations not set forth in (7) above;
- (9) All agreements with and consents of municipal departments and officials or State and Federal authorities;
- (10) A map drawn to a scale not exceeding 2,500 feet to the inch, showing all ducts laid by it and indicating thereon the size and number of such ducts as of January 1, 1908;
- (11) A reference to all court decisions affecting its franchises;
- (12) A copy of any other documents constituting a link in the chain of muniments of title to franchises.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(10)

O-211

The Secretary presented the following communication from the New York Central and Hudson River Railroad Company, upon Order No. 211, as to the discontinuance of trains at about midnight on the Putnam Division, which was referred to Commissioner Eustis:

ANSWER TO ORDER NO. 211.

State of New York, Public Service Commission, First District:

In the Matter
of

Proposed discontinuance of trains about
midnight on the Putnam Division of the
New York Central and Hudson River
Railroad Company.

Pursuant to an order of the above named Commission, dated January 17, 1908, the respondent, the New York Central and Hudson River Railroad Company, makes the following answer in writing to the order of the aforesaid Commission, and says:

First—That the trains discontinued on the Putnam Division of the said company were as follows:

- Train No. 103, leaving One Hundred and Fifty-fifth street station at 2 a. m.
- Train No. 105, leaving One Hundred and Fifty-fifth street station at 3 a. m.
- Train No. 107, leaving One Hundred and Fifty-fifth street station at 4 a. m.
- Train No. 106, leaving Yonkers station at 2.25 a. m.
- Train No. 108, leaving Yonkers station at 3.25 a. m.
- Train No. 110, leaving Yonkers station at 4.25 a. m.

Second—That the discontinuance of said trains was ordered by the said defendant by reason of the fact that the average number of passengers carried upon such trains was so small during a long period of time prior to their discontinuance that the revenue gained therefrom did not justify the expense incurred in the running of said trains.

Third—The defendant attaches hereto a tabulated form showing the number of passengers carried between the various stations on the said Putnam Division during certain periods in the months of October and November, 1907, showing that on the northbound trains, to wit, trains Nos. 103, 105 and 107, and on the southbound trains, to wit, trains Nos. 106, 108 and 110, the average daily number of passengers carried was so small as to make the running of such trains a constant expense to the said defendant, and the defendant further alleges that it believes that the daily average number of passengers would not increase if such trains were continued to be run upon its Putnam Division.

ALBERT H. HARRIS,

Attorney for Defendant.

Office and Post Office address, No. 417 Grand Central Station, Borough of Manhattan, New York City, New York.

(11)

2750

The Secretary presented the following petition of the Long Acre Electric Light and Power Company for approval by the Commission of the issue by that company of \$10,000,000 of preferred stock and \$50,000,000 of bonds, which was referred to Commissioner Maltbie:

In the Matter

of

The application of Long Acre Electric Light and Power Company, for approval of the issue by it of stock and bonds.

To the Public Service Commission for the First District, State of New York:

The petition of Long Acre Electric Light and Power Company, a corporation duly organized under the laws of the State of New York and doing business in the City of New York, respectfully shows:

1. Accompanying this petition are the following:

(a) A copy of the certificate of organization of the petitioning corporation, certified by the Secretary of State and the Clerk of New York County. (No. 1.)

(b) Duly certified copies of all certificates, statements or records which modify, change or extend the purposes or powers of petitioners, showing when and where such documents were filed or entered. (No. 2.)

(c) Duly certified copies of any certificate, record or order required by law to be made or filed to authorize the corporation to exercise any of its franchises or rights. (No. 3) and 3a.

(d) Duly certified copy of the unanimous consent of the stockholders authorizing the increase of the capital stock of the company by issuing \$10,000,000 of preferred stock. (No. 4.)

(e) Duly certified copy of the consent of the stockholders for the execution of a trust mortgage authorizing the issuing of bonds thereunder to the amount of \$50,000,000. (No. 5.)

2. The following is a statement in detail of the financial condition of petitioner, viz.:

There is only one kind of capital stock outstanding. The amount thereof is \$50,000, represented by 500 shares of \$100 each, par value. No dividend has been declared thereon, and the same is held as follows: The outstanding indebtedness of petitioner is \$500,000 upon bonds issued and sold, and \$100,000 upon bonds given as collateral security for the faithful performance on the part of petitioner of the contract between petitioner and the American and British Manufacturing Company, a copy of which accompanies this petition, all of which bonds are secured by a mortgage, a copy of which accompanies this petition, and also about \$93,000 upon general open account not secured. (Contract, No. 6. Mortgage, No. 7.)

Petitioner has the right to place wires for electric light, heat and power in the Boroughs of Manhattan and The Bronx, as appears by franchise, a copy of which accompanies this petition. (No. 3.) It has a small amount of initial plant erected and in operation at its first station, at Forty-seventh street and Second avenue, in the Borough of Manhattan, and is actually engaged in supplying electric current therefrom to customers. The Commissioner of Water Supply, Gas and Electricity has issued permits for the construction of subways required for use by petitioner, and certain of such subways have already been constructed. It has a contract upon favorable terms with the American and British Manufacturing Company, a reputable manufacturer, for the construction of all its plant required. (No. 6.)

3. Petitioner desires authority to issue \$10,000,000, par value, of preferred stock. The rate of dividends thereon to be paid is 7 per cent.; the stock to be non-cumulative and non-voting.

Petitioner desires authority to issue bonds to the extent of \$50,000,000, only \$12,000,000 to be issued at this time, and the remainder to be issued, as hereinafter authorized, by the Public Service Commissioner, to be secured by a mortgage or pledge

of all its property, franchises and rights, with interest upon bonds at the rate of 6 per cent., and to be payable as follows:

Bonds may be redeemable at 110 and interest at any time. The mortgage to contain a sinking fund clause whereby at the end of ten years from the date of the mortgage bonds at their face value, that shall equal 1 per cent. annually of the amount of bonds issued and outstanding, shall be set aside to establish a sinking fund for their redemption, and this ratio shall continue for the period of ten years. Thereafter the retiring fund for the next ten years shall be increased to 3 per cent. annually, and for the next ten years to 4 per cent. annually.

4. The use to which the capital to be secured by the issue of such stock and bonds is to be put is:

Securing or retiring the present issue of bonds.

The acquisition of property situate in the City of New York upon which to erect power houses and sub-stations.

The construction of power houses and sub-stations.

The purchase and laying of underground cables, paying for subsidiary connections and ducts.

Corporate expenses in the conduct of its business.

5. The schedule "Cost of Electric Power Plant" accompanying this petition (No. 8) contains a statement of the property proposed to be acquired with its value, a detailed description of the construction contemplated with an estimate of its cost, and a description of the obligations proposed to be refunded, including their par value and the amount for which they were actually sold and the application of the proceeds.

The schedule shows estimate contemplating the eventual construction of a plant of 75,000 K. W., but it is proposed at first to complete only one-third of the same, the balance being added consecutively as requirements demand. The estimate for 25,000 K. W. initial installation covers the purchase of the complete power house site and dock, and amounts in the aggregate to \$11,436,722.70, which sum it is expected may be realized from sale of \$12,000,000 of bonds. From the sale of the preferred stock enough money should be realized to double the initial installation.

In order that the proposed bond issue may be secured by a first mortgage, it is necessary that the entire amount of the present bond issue be secured or refunded. Only \$600,000 in amount thereof has been issued from the treasury, and they have been issued for contracts and expenses incidental to the development of the business to its present state. The par value of the whole issue is \$1,000,000, and the par value of those issued is \$600,000. The amount for which the latter were sold, in manner aforesaid, was \$600,000, and the proceeds were applied, to wit, the bonds themselves turned over for the purposes before stated.

6. A contract has been entered into with the American and British Manufacturing Company for the purchase and construction of the property and plant necessary for the business of petitioner, a copy of which is hereto annexed. (No. 6.)

A contract has been arranged for, but not yet entered into, with a reputable trust company, for receiving the proceeds of stock and bonds sold and for payment of moneys for carrying on the business of petitioner upon properly certified vouchers.

7. The outstanding stock and bonds, as stated above, have been used in purchasing corporate franchises, copies of which accompany this petition, paying the expense incident to the formation of the corporation, the purchase of property by the corporation and expense in procuring contracts for the corporation.

8. The corporation petitioning was not formed by the merger or consolidation of other corporations.

9. The following is a list of the stockholders of petitioner, with the number of shares of stock held by each, to wit:

List of Stockholders.	No. of Shares.
William Harris	3
Henry B. Harris.....	1
George E. Bouchie, trustee.....	490
Edgar Van Etten.....	1
W. W. Walters.....	1
William H. Lamprecht.....	1
John C. Sheehan.....	2
G. Tracy Rogers.....	1
	<hr/>
	500
	<hr/>

Wherefore, your petitioner prays for an order authorizing the increase of the capital stock and the execution and issue of a mortgage and bonds thereunder, as prayed for in the foregoing petition, and for such other, further or different relief as to the Commission may seem proper.

LONG ACRE ELECTRIC LIGHT AND POWER COMPANY,

By EDGAR VAN ETEN, President, Petitioner.

Borough of Manhattan, }
County and State of New York, } ss.:

Edgar Van Etten, being duly sworn, deposes and says he is the president of the Long Acre Electric Light and Power Company, the petitioner above mentioned, and does hereby make solemn oath that the statements and facts therein contained are true according to his best knowledge, information and belief.

EDGAR VAN ETEN.

Subscribed and sworn to before me this 15th day of January, 1908.

GEORGE L. LEWIS, Notary Public, Queens County, N. Y. Certificate filed in New York County, N. Y.

(12)

3050

The Secretary presented a communication from the Fifty-seventh Street Association, advocating the construction of a surface street car line in Fifty-seventh street, because of its width and availability for the present and future traffic of that vicinity, especially that in connection with the Blackwell's Island Bridge; suggesting that the cars crossing this bridge continue through Fifty-seventh street to the North River; that the tracks on Fifty-seventh street be depressed from a point west of Park avenue to a point east of Sixth avenue, and that in the Lexington avenue and other new subway stations be placed at Fifty-seventh street; stating that this plan is the cheapest and best for the distribution of traffic from the Blackwell's Island Bridge, and for avoiding the conditions existing at the Brooklyn Bridge; and requesting that a public hearing be granted for the consideration of these subjects. The communication was referred to Commissioner Bassett.

(13)

3050

The Secretary presented a communication from the Ocean Parkway Taxpayers' Association, requesting a hearing on the question of constructing the subway to Coney Island under the Ocean parkway, which was referred to Commissioner McCarroll.

(14)

3013

The Secretary presented the following communication from Bird S. Coler, President of the Borough of Brooklyn, which was referred to Commissioner McCarroll for consideration:

BROOKLYN, February 5, 1908.

The Honorable the Public Service Commission:

GENTLEMEN—I would suggest that your Board take immediate action toward urging the Board of Estimate to leave unimpaired the fund for relief sewers construction in the Borough, which was set aside on July 14, 1905, and which was further approved under the present administration on February 1, 1907, when the plans for the sewers were filed and approved by the formal action of the Board of Estimate.

I believe it has been shown to your Board, or at least to your Chief Engineer, that the Gold street sewer, relieving the Greene avenue sewer to a considerable extent, is essential for the Fourth avenue subway work unless \$200,000 is to be needlessly expended in reconstructing an old sewer which will afterward be abandoned on the completion of divisions No. 1 and No. 2 of the relief sewer system provided for in the two-million-dollar plan; but, further than this, I would like to make it clear that the Tompkins avenue sewer, outletting at the foot of Classon avenue (division No. 1), with the Gold street system (division No. 2), is a unit in its treatment of the subway crossings and the drainage and sewer diversion made necessary by all of the Brooklyn subways encountered in this 5,400 acres which

the relief sewers are to serve. To show this specifically, on the Broadway and Lafayette avenue lines, I transmit with the Consulting Engineer's report on the general subject a statement prepared by the Chief Engineer of the Bureau of Sewers.

I trust that after a review of these statements action will be taken in line with that suggested by Commissioner Bassett, when Mr. Creuzbaur laid the matter before you at the meeting of January 21, and it would seem that some action urging the Board of Estimate to allow this relief sewer work to proceed without further interruption might be taken at this time, and that it would result in the Board of Estimate allowing me to complete these improvements during this administration.

Aside from the two contracts of the Gold street sewer which I advertised in September last, the most important of the other plans are ready to advertise as soon as the motion of the Mayor, made last November, is reconsidered by the Board of Estimate.

Very truly yours,

(Signed) BIRD S. COLER,
President, Borough of Brooklyn.

(15)

O-242A

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 242-A). (SUBSTITUTE FOR ORDER No. 242.)

In the Matter
of

The hearing on motion of the Commission on the question of improvement in and addition to the service of the New York City Interborough Railway Company, in respect to increase of service from One Hundred and Eighty-first street to Bronx Park, and in respect to the opening of new Tremont avenue line.

It is hereby

Ordered, That a hearing be had on the 17th day of February, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at 154 Nassau street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices and service of the New York City Interborough Railway Company in respect to transportation of persons in the First District are unreasonable, improper or inadequate, and whether changes, improvements and additions thereto ought reasonably to be made, in the manner below set forth, in order to promote the security or convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether a change, addition and improvement in regulations, practices and service of said company, as hereinafter set forth, is such as will be just, reasonable,

adequate and proper, and ought reasonably to be made to accommodate the passenger traffic offered to it, and to promote the convenience of the public, or in order to secure adequate service or facilities for the transportation of passengers; that is to say, whether the following changes, additions, readjustment and increase of service should be put into effect:

1. (a) By operating daily, except Sundays, from Bronx Park to the One Hundred and Eighty-first street station of the subway, a sufficient number of cars, so that every passenger presenting himself at any point on the said line between 7 a. m. and 9 a. m. shall be furnished with a seat, without waiting more than eight minutes.

(b) By operating daily, except Sundays, from the One Hundred and Eighty-first street station of the subway to Bronx Park, a sufficient number of cars so that every passenger presenting himself at any point on the said line between 5 p. m. and 7 p. m. shall be furnished with a seat without waiting more than eight minutes.

(c) By operating daily, except Sundays, between One Hundred and Eighty-first street subway station and Bronx Park, a sufficient number of cars so that every passenger presenting himself at any point on the said line between 1 a. m. and 5 a. m. shall be furnished with a seat without waiting more than thirty minutes.

(d) During all other hours of the day there shall be operated over the entire line between the One Hundred and Eighty-first street station of the subway and Bronx Park, a sufficient number of cars so that every passenger presenting himself at any point on the said line shall be furnished with a seat without waiting more than ten minutes.

2. By beginning operation of cars over the new Tremont avenue line, from the One Hundred and Eighty-first street station of the subway to West Farms by way of Tremont avenue, Aqueduct avenue and other streets, and by operating over this line a sufficient number of cars to furnish seats for all passengers, as above suggested for the One Hundred and Eighty-first street and Bronx Park line.

And if any such changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said New York City Interborough Railway Company be given at least five days' notice of such hearing, by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(16)

2723

Commissioner Eustis presented the following report, which was ordered filed:

To the Public Service Commission for the First District:

GENTLEMEN—In the matter of the complaint of Franklin L. Partridge against this Commission for trespassing upon his property at Two Hundred and Thirty-eighth street and Broadway, which was referred to me for report, I beg to submit that Two Hundred and Thirty-eighth street is a station street, and in the construction of the extension to the west side subway up Broadway to Van Cortlandt Park, the plans provide for a station at Two Hundred and Thirty-eighth street, and in constructing this station it is necessary for the pillars that support the station at the extreme ends to be constructed in Two Hundred and Thirty-eighth street. The title to this street is still vested in the owners, and no proceedings have as yet been taken to acquire title on behalf of the City.

Mr. Partridge, it appears, owns a narrow lot fronting on Broadway, running back in Two Hundred and Thirty-eighth street, all of which will be taken when the City acquires title to the bed of this street, and one of the pillars for the support of the westerly half of the station at this street has been constructed upon his property. Before this was done verbal consent was obtained from the party who was then supposed to be the owner of this lot, that the City go ahead and construct the station, and the owner would await the opening of the street by the City to receive his compensation.

I have had an interview with Mr. Partridge and his counsel, Henry DeForest Baldwin, in relation to the situation, and Mr. Partridge has finally consented to make no further objection to the City continuing and completing this station at this point, and that he will look to the City for his damages and compensation when they get ready to take title for the bed of the street.

Dated February 6, 1908.

Respectfully,

J. E. EUSTIS, Commissioner.

(17)

O-248

Commissioner Bassett moved the adoption of the following dismissal order, which was duly seconded:

DISMISSAL ORDER (No. 248).

George W. Bartholf, complainant, vs.
New York and Queens County Railway
Company, defendant.

Under Order for Answer No. 132, made
December 4, 1907.

This matter coming on upon the complaint of George W. Bartholf, dated the 22d day of November, 1907, and upon the Order of the Commission No. 132, made the 4th day of December, 1907, and upon the answer of New York and Queens

County Railway Company, dated December 13, 1907, and it not appearing to the Commission that there are reasonable grounds for the charges in said complaint.

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is Ordered, That said complaint be and the same hereby is dismissed; and it is

Further Ordered, That this order shall be without prejudice to the making and issuing of any further order or orders for hearings upon any of the matters referred to in said complaint and answer.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(18)

O-249

Commissioner Bassett moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 249).

In the matter of Frank Bennett, complainant, against South Brooklyn Railway Company, defendant.

Under Order for Hearing No. 184, made January 3, 1908.

This matter coming on upon the report of the hearing had herein on the 16th day of January, 1908, and on the 22d day of January, 1908, and it appearing that the said hearing was held by and pursuant to an order of this Commission made on the 3d day of January, 1908, and returnable on the 16th day of January, 1908, and that said order was duly served on the South Brooklyn Railway Company on the 3d day of January, 1908, said order being Order Number 184, and that the said hearing was held by and before the Commission on the matters embraced in the complaint and answer herein, and in said order specified, on the 16th day of January, 1908, and on the 22d day of January, 1908, before Commissioner Bassett, presiding, Frank Bennett, complainant, appearing in person, and W. S. Menden, Esq., appearing for the said railway company, and proof having been taken upon said hearing, and it having been made to appear by the proceedings on said hearing that the regulations, equipment and service of said railway company, in respect to the transportation of persons upon its line on Gravesend avenue, in the Borough of Brooklyn, City and State of New York, are unsafe, improper and inadequate, on account of the matters in said complaint set forth and in said answer admitted, and on account of the matters proved upon the hearing herein, and that repairs, improvements, changes and additions to and in the stations used by said company in connection with the transportation of passengers on its said line on said Gravesend avenue, in the Borough of Brooklyn, City and State of New York, ought reasonably to be made in order to promote the security and convenience of the public and in order to secure adequate service and facilities for the transportation of said passengers.

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is Ordered,

(1) That said South Brooklyn Railway Company be and it hereby is directed and required to construct and maintain, at its Kensington station on said Gravesend avenue, on each side of said company's double track line at said station, a cinder platform at least two hundred (200) feet in length and of sufficient height and width to enable passengers to board and alight from trains at said station with convenience and safety. Further, that said company bind and inclose the exterior of each of said platforms, next to the street, for at least one hundred and twenty (120) feet with heavy retaining timbers laid in such a manner as to form steps from the present grade of the street to the tops of said platforms, for the convenience of passengers in ascending to and descending from said platforms. Further, that said company keep and maintain the tops of said cinder platforms on a level with the tops of said timbers.

(2) That said South Brooklyn Railway Company be, and it hereby is directed and required to construct and maintain at its Eighteenth avenue station, on said line on said Gravesend avenue, on each side of said company's double track line, at said station, a cinder platform at least two hundred (200) feet in length, and of sufficient width and height to enable passengers to board and alight from trains at said station with convenience and safety. Further, that said company bind and enclose the exterior of each of said platforms, next to the street, for at least one hundred and twenty (120) feet, with heavy retaining timbers, and that said company keep and maintain the tops of said cinder platforms on a level with the tops of said timbers.

(3) That said South Brooklyn Railway Company be, and it hereby is directed and required to construct and maintain at its Parkville station on said line, on each side of said company's double track line, at said station, a cinder platform at least two hundred feet in length, and of sufficient width and height above the present grade of the street to enable passengers to board trains at said station, and to alight therefrom with safety.

(4) That said company shall keep and maintain said platforms in as good condition as when first constructed in accordance with the requirements of this order.

(5) It is further Ordered, That said South Brooklyn Railway Company be, and it hereby is directed and required to construct said platforms, and to bind and enclose the same in the manner hereinbefore directed within thirty days from the date of the service on said company of a certified copy of this order, and continue the same in that condition until such time as the Public Service Commission for the First District shall otherwise order.

(6) It Is Further Ordered, That said South Brooklyn Railway Company notify the Public Service Commission for the First District within five days after

service of this order upon it, whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, FEBRUARY 11, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

There were present: Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for February 7, as printed in the CITY RECORD for February 11, was approved.

(2)

3178

The Secretary presented a communication from Joseph Haag, Secretary of the Board of Estimate and Apportionment, transmitting certified copy of resolution adopted by that Board on February 7, 1908, fixing February 14, 1908, as the date for consideration of the plans and conclusions relative to (a) the modification of the Lexington avenue route, (b) the modification of the Gerard avenue route, and (c) the Canal street route. The resolution was ordered filed.

(3)

2810

The Secretary presented a communication from Joseph Haag, Secretary of the Board of Estimate and Apportionment, transmitting certified copy of resolution adopted by that Board on January 31, 1908, and approved by the Mayor on February 3, 1908, granting to the Seaboard Refrigeration Company an extension of time in which to comply with the provisions of section 2, third, and section 2, twenty-second, of the contract dated June 22, 1906, granting a franchise to said company. The resolution was ordered filed.

(4)

2091

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer, approving same, as approved by the Committee on Audit:

(11)

BRADLEY CONTRACTING COMPANY,
SIXTY-EIGHTH STREET AND NORTH RIVER, }
NEW YORK, February 3, 1908.

Requisition No. 5—For work done and materials furnished under contract dated June 27, 1907, for the construction of section No. 9-0-1 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to 31st day of January, 1908.

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$33,148 00	\$136,173 00
Amount previously estimated.....	.....	103,025 00
Amount of present estimate.....	33,148 00	33,148 00
Deduct 10 per cent.....	3,314 80	3,314 80
Requisition for amount due for work done and materials furnished during the month.....	\$29,833 20	\$29,833 20

BRADLEY CONTRACTING COMPANY,

(Signed) By FRANK BRADLEY, President,
Contractor.

Certificate No. 5—I hereby certify that the work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-1 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, for which requisition No. 5 of date February 3, 1908, is made by the Bradley Contracting Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of twenty-nine thousand eight hundred and thirty-three dollars and twenty cents; that such value has been ascertained relatively to the contract value of the whole work and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 5, and dated February 3, for work done and materials furnished under contract dated June 27, 1907, for the construction of Section 9-0-1 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to 31st day of January, 1908, amounting to twenty-nine thousand eight hundred and thirty-three dollars and twenty cents (\$29,833.20); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(5)

2094

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer, approving same, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY,
SIXTY-EIGHTH STREET AND NORTH RIVER,
NEW YORK, February 3, 1908.

Requisition No. 6—For work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-4 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to 31st day of January, 1908.

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$4,624 75	\$72,549 75
Amount previously estimated.....		67,925 00
Amount of present estimate.....	4,624 75	4,624 75
Deduct 10 per cent.....	462 48	462 48
Requisition for amount due for work done and materials furnished during the month.....	\$4,162 27	\$4,162 27

BRADLEY CONTRACTING COMPANY,

(Signed) By FRANK BRADLEY, President,
Contractor.

Certificate No. 6—I hereby certify that the work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-4 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, for which requisition No. 6 of date February 3, 1908, is made by the Bradley Contracting Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of four thousand one hundred and sixty-two dollars and twenty-seven cents; that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 6, and dated February 3, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-4 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of

New York, to the 31st day of January, 1908, amounting to four thousand one hundred and sixty-two dollars and twenty-seven cents; and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(6)

2095

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer, approving same, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY,
SIXTY-EIGHTH STREET AND NORTH RIVER,
NEW YORK, February 3, 1908.

Requisition No. 7—For work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, to the 31st day of January:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$33,621 25	\$221,081 25
Amount previously estimated.....		187,460 00
Amount of present estimate.....	33,621 25	33,621 25
Deduct 10 per cent.....	3,362 13	3,362 13
Requisition for amount due for work done and materials furnished during the month.....	\$30,259 12	\$30,259 12

BRADLEY CONTRACTING COMPANY,
(Signed) By FRANK BRADLEY, President.
Contractor.

Certificate No. 7—I hereby certify that the work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, for which Requisition No. 7, of date February 3, 1908, is made by the Bradley Contracting Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of thirty thousand two hundred and fifty-nine dollars and twelve cents; that such value has been ascertained relatively to the contract value of

the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 7, and dated, for work done and materials furnished under contract dated June 27, 1907, for the construction of section 9-0-5 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to 31st day of January, 1908, amounting to thirty thousand two hundred and fifty-nine dollars and twelve cents (\$30,259.12); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(7)

2095

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer, approving same, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY,
SIXTY-EIGHTH STREET AND NORTH RIVER,
NEW YORK, February 3, 1908. }

Requisition No. 3—For work done and materials furnished under contract dated June 27, 1907, for the construction of pipe galleries on Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, to 31st day of January, 1908:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$659 75	\$6,184 75
Amount previously estimated.....	.....	5,525 00
Amount of present estimate.....	659 75	659 75
Deduct 10 per cent.....	65 98	65 98
Requisition for amount due for work done and materials furnished during the month.....	\$593 77	\$593 77

BRADLEY CONTRACTING COMPANY,
(Signed) By FRANK BRADLEY, President.
Contractor.

Certificate No. 3—I hereby certify that the work done and materials furnished under contract dated June 27, 1907, for the construction of pipe galleries on Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, for which Requisition No. 3, of date February 3, 1908, is made by Bradley Contracting Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of five hundred and ninety-three dollars and seventy-seven cents; that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer for the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 3 and dated February 3, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of pipe galleries on section No. 9-0-5 of the Brooklyn loop lines of the Rapid Transit Railroad of The City of New York, to the 31st day of January, 1908, amounting to five hundred and ninety-three dollars and seventy-seven cents (\$593.77); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

O-250

Chairman Willcox presented the following hearing order, and it was moved and duly seconded that the same be adopted by the Commission:

HEARING ORDER (No. 250).

In the Matter
of

The hearing on the motion of the Commission as to the regulations, practices and service of the Interborough Rapid Transit Company, in the respects hereinabove mentioned.

It is hereby

Ordered, That a hearing be had on the 13th day of February, 1908, at 1.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the

rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to inquire whether the requirements, practices, equipment, appliances or service of said company upon its elevated lines, in the Boroughs of Manhattan and The Bronx, City of New York, in respect to the transportation of persons are unreasonable, unsafe, improper or inadequate, and if it be so found, then to determine whether changes in said regulations, practices, equipment, appliances or service in the particulars following would be just, reasonable, safe, adequate and proper, and whether such changes shall be put in force, observed and used on the line of said company; and also to inquire and determine whether repairs, improvements, changes or additions to or in tracks or other property or device used by said company in the particulars following ought reasonably to be made, in order to promote the security or convenience of the public, or in order to secure adequate service or facilities for the transportation of passengers; namely, whether said company should be directed to maintain a temperature of at least 60 degrees Fahrenheit in all cars operated by said company on its elevated lines at all times when said cars are in use for the transportation of passengers, said temperature to be tested at or near the centre of the car at a point not less than three (3) nor more than five (5) feet from the floor of the car, and to be maintained without any interference with the regular and proper operation of the ventilators of said cars;

And if such change, improvement and addition be found to be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same should be directed to be executed, all to the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said Interborough Rapid Transit Company be given at least one day's notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity to present evidence and to examine and cross-examine witnesses as to the matters hereinabove set forth.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

Chairman Willcox stated that he would take charge of the hearing.

(9)

Chairman Willcox left the meeting at this point.

On motion, duly seconded, Commissioner McCarroll was elected Acting Chairman.

(10)

2092

The Secretary presented the following requisition of the Degnon Contracting Company, together with the certificate of the Chief Engineer approving same, as approved by the Committee on Audit:

THE DEGNON CONTRACTING COMPANY, }
No. 60 WALL STREET, }
NEW YORK, February 5, 1908. }

Requisition No. 7—For work done and materials furnished under contract dated April 27, 1907, for the construction of Section No. 9-0-2 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, to 31st day of January, 1908, as follows:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$97,756 85	\$503,285 25
Amount previously estimated.....		405,528 40
Amount of present estimate.....	97,756 85	97,756 85
Deduct 10 per cent.....	9,775 69	9,775 69
Requisition for amount due for work done and materials furnished during the month.....	\$87,981 16	\$87,981 16

DEGNON CONTRACTING COMPANY,
(Signed) A. C. SANFORD, Chief Engineer.

Certificate No. 7—I hereby certify that the work done and materials furnished under contract dated April 27, 1907, for the construction of Section 9-0-2 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, for which Requisition No. 7, of date February 5, 1908, is made by the Degnon Contracting Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of eighty-seven thousand nine hundred and eighty-one dollars and sixteen cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission.

The following resolution was thereupon moved and duly seconded:

Whereas, The contractor, Degnon Contracting Company, has made requisition on this Commission, numbered No. 7, and dated February 5, 1908, for work done and materials furnished under contract dated April 27, 1907, for the construction of Section No. 9-0-2 of the Brooklyn Loop Lines of the Rapid Transit Railroad of The City of New York, to the 31st day of January, 1908, amounting to eighty-seven thousand nine hundred eighty-one dollars and sixteen cents (\$87,981.16); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract; that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(11)

2093

The Secretary presented the following requisition of Cranford Company together with the certificate of the Chief Engineer approving same, as approved by the Committee on Audit:

CRANFORD COMPANY,
No. 190 MONTAGUE STREET, BROOKLYN, N. Y., }
New York, January 31, 1908.

Requisition No. 6—For work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of The City of New York, to 31st day of January, 1908, as follows:

	For Month.	Total.
Total to date relating to the contract value of the whole work.....	\$32,963 70	\$244,389 10
Amount previously estimated.....		211,425 40
Amount of present estimate.....	32,963 70	32,963 70
Deduct 10 per cent.....	3,296 37	3,296 37
Requisition for amount due for work done and materials furnished during the month.....	\$29,667 33	\$29,667 33

CRANFORD COMPANY, Contractor,
(Signed) Per A. C. ANGELL, Treasurer.

Certificate No. 6—I hereby certify that the work done and materials furnished under contract dated May 27, 1907, for the construction of section 9-0-3 of the Rapid Transit Railroad of The City of New York, for which Requisition No. 6, of date January 31, 1908, is made by Cranford Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of twenty-nine thousand six hundred and sixty-seven dollars and thirty-three cents; that such value has been ascertained relatively to the contract value of the whole work and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, the contractor, Cranford Company, has made requisition on this Commission, numbered No. 6, and dated January 31, 1908, for work done and materials furnished under contract, dated May 27, 1907, for the construction of the Rapid Transit Railroad of The City of New York, to the 31st day of January, 1908, amounting to twenty-nine thousand six hundred and sixty-seven dollars and thirty-three cents (\$29,667.33); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and materials furnished have been done and furnished in accordance with the terms of the contract; that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that a voucher in due form be drawn on the Comptroller for the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(12)

2204

The Secretary presented a communication from H. A. Metz, Comptroller, transmitting copy of his letter of February 5 to Chairman Willcox, in reference to Senate Bill No. 210, proposing an amendment to section 10 of article 8 of the Constitution, providing for exclusion from calculation of the debt limit of the outstanding railroad, subway or dock bonds issued for property, the income of which was sufficient to meet the interest necessary to payment of the bonds; and also transmitting statements from the Department of Finance, showing the financial results to the City of the operation of the Manhattan-Bronx Rapid Transit Subway and of the City's dock properties, with copy of Senate Bill No. 210, previously referred to. The papers were ordered filed.

(13)

2133

The Secretary presented a communication from the Board of Estimate and Apportionment, transmitting the following resolution adopted by that Board on January 31, 1908, which was ordered filed:

Resolved, That, pursuant to the provisions of section 37 of chapter 4, Laws of 1891, as amended, and section 14 of chapter 429, Laws of 1907, and a requisition of the Public Service Commission for the First District, duly made by the Chairman and Secretary thereof, on January 2, 1908, for an appropriation of five hundred thousand dollars (\$500,000) for the acquisition of real estate or interest therein, necessary in connection with the construction and operation of the Manhattan-Bronx subway—the Comptroller be and is hereby authorized to issue Corporate Stock of The City of

New York, to an amount not exceeding five hundred thousand dollars (\$500,000) for the purpose only of paying the awards on property as follows:

Damage Parcel No. 1, to Heinrich Van Deilen, as owner.....	\$47,216 00
Damage Parcel No. 2, to Bridget M. Dooley, as owner.....	29,055 00
Damage Parcel No. 3, to John Wanamaker, as owner.....	143,560 00
Damage Parcel No. 4, to the Sailors' Snug Harbor, in The City of New York (a corporation), as owner, and to John Wanamaker, as lessee..	175,743 50

—and interest thereon at the rate of 6 per cent. per annum.

(14)

1033

The Secretary presented a communication from the Corporation Counsel as to certain spurs from the Eleventh avenue tracks of the New York Central Railroad Company. On motion, duly seconded and carried, the Secretary was directed to reply to the letter, approving the course of the Corporation Counsel. The letter was as follows:

February 7, 1908.

WILLIAM R. WILLCOX, ESQ., *Chairman*, No. 154 Nassau street:

MY DEAR SIR—Referring to the Eleventh avenue condemnation matter, I have had several interviews with representatives of the New York Central Railroad. There are, as you know, certain spurs connecting with various business houses along the line of the road. These latter have applied to me not to compel the removal of the tracks until the title to the franchise which the City proposed to condemn, vests in the City.

You will remember that under the Saxe Law, the railroad has a year after the confirmation of the Commissioner's report before the City is entitled to take possession. On the one hand it would be a great hardship if, pending the proceedings, these spurs were removed and the business houses along the line of the track were deprived of the facilities now afforded. On the other hand, it is thought in the fixing of any award that may be made, the Commissioners should not consider in any way any use which might be made of these spurs. I have therefore been in consultation with the representatives of the New York Central Railroad Company to see if we could not formulate a stipulation by which the track spurs should be allowed to remain pending the proceedings, but that the Commissioners should not take them into consideration in any way in fixing the amount of the award. I think a satisfactory stipulation to that effect can be entered into, and if approved by your Commission, I will pursue this course. Before advising the Board of Estimate and Apportionment as to the steps they should take in regard to revoking these permits, I should be glad to hear from you in regard to this matter.

Yours truly,

(Signed) F. K. PENDLETON, Corporation Counsel.

(15)

O-172

The Secretary presented a report from the Acting Chief of the Bureau of Transit Inspection, showing that Order No. 172, which required the Brooklyn Union Elevated Railroad Company to put its present platform at the Covert avenue station of the Lutheran Cemetery line in good condition on or before the 10th day of January, 1908, had not been complied with up to January 18, 1908. The report was referred to the Counsel to the Commission.

(16)

3121

The Secretary presented a letter from the Chief Engineer, in reference to the resolution of the Board of Aldermen regarding conditions at the One Hundred and Sixty-eighth and One Hundred and Eighty-first street stations of the Broadway branch of the subway, recommending a glass enclosure for the lower floor of the elevator shaft, in order to prevent the draught of air inconveniencing passengers. The letter was ordered filed.

(17)

3149

The Secretary presented a communication from the Counsel to the Commission as follows:

February 6, 1908.

Public Service Commission for the First District:

Arbitration, McDonald Contract, Manhattan-Bronx subway.

SIRS—In pursuance of authority vested in me, I have appointed, subject to your approval and at a compensation to be determined by you, Edward M. Shepard, Esq., of New York City, Counsellor-at-Law, to assist me in the performance of my duties in the matter of the review of the determination of George S. Rice, as Chief Engineer of the Public Service Commission for the First District, dated November 30, 1907, upon the claims presented for payment under contract dated February 21, 1900, between The City of New York, acting by the Board of Rapid Transit Railroad Commissioners for The City of New York, and John B. McDonald.

Respectfully yours,

(Signed) GEO. S. COLEMAN, Counsel to the Commission.

On motion, duly seconded, it was thereupon

Resolved, That the appointment of Edward M. Shepard to assist the Counsel to the Commission in the matter above set forth, be approved.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(18)

3125

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service lists:

Name.	Position.	Salary.	To Take Effect.
Elizabeth C. Fagan.....	Filing Clerk.....	\$75 per month....	Feb. 10, 1908
Bessie Brock	Filing Clerk.....	75 per month....	Feb. 6, 1908
Grace A. Jones.....	Filing Clerk.....	75 per month....	Feb. 10, 1908
Carrie A. Davis.....	Filing Clerk.....	75 per month....	Feb. 10, 1908
James C. Rose.....	Junior Clerk (reinstatement)....	40 per month....	Feb. 11, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(19)

1613

On motion, duly seconded, it was

Resolved, That the appointments of Alfred A. R. Berger and Alexander H. Rombough, Electrical Engineers, be terminated, as of February 11, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(20)

1833

On motion, duly seconded, it was

Resolved, That the resignation of Adolph Moss, Page, be accepted, to take effect as of February 8, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

2093

The Secretary presented a communication from the Chief Engineer stating that the Cranford Company, contractors for section 9-0-3 of the Brooklyn loop lines, had given notice that they had made a contract with the American Vitrified Conduit Company to supply them with ducts, and that the conduit company was a proper concern to furnish this material, and recommending that this contract by the Cranford Company be approved by the Commission.

Thereupon the following resolution was duly moved and seconded:

Whereas, The Cranford Company, contractors for section 9-0-3 of the Brooklyn loop lines, have given notice to this Commission that they have made a contract with the American Vitrified Conduit Company, Fuller Building, No. 949 Broadway, New

York City, to supply them with ducts subject to test and acceptance by representatives of the Commission;

Resolved, That the Public Service Commission for the First District approves of the subletting of the above contract to the said American Vitrified Conduit Company.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

1361

On motion, duly seconded, it was

Resolved, That a blue print of plan T-457, showing proposed marquee and illuminated signs over the north and south entrances to the Seventy-second street superstructure, be sent to the Interborough Rapid Transit Company to be considered in the obtaining of estimates of the cost of reconstructing the interior of this superstructure.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

O-251

Commissioner Eustis moved the adoption of the following final order after re-hearing, which was duly seconded:

FINAL ORDER (No. 251).

John H. MacCracken,
Complainant,
against
New York City Interborough Railway
Company,
Defendant.

An order, No. 183, having been made herein on or about the 31st day of December, 1907, after a hearing duly had, ordering the defendant either to construct a proper, substantial and adequate waiting room or shelter for passengers transferring from the subway to its lines at One Hundred and Eighty-first street and St. Nicholas avenue, at a point on a level with such street railway tracks, and not more than fifty (50) feet distant therefrom, or at its election, at all times during the day and night, to hold at such point a car for the use of waiting passengers until the arrival of the next or succeeding car, either of the same or different lines, and further ordering the said company within ten (10) days after the service of such order to advise the Commission which of said courses it elected to pursue, and an order, No. 204, extending the time in which so to elect, having been made on or about the 14th day of January, 1908, and the defendant having, on or about the 20th day of January, 1908, notified the Commission that it would keep and maintain a standing car on its tracks at the said point throughout the entire day, excepting between the hours of 1 a. m. and 6 a. m., for the use of passengers transferring from the subway

to its lines on One Hundred and Eighty-first street, and further stating its belief that such a standing car would render more satisfactory accommodations to the traveling public and would cause less interruption in the service than the practice of holding every car until the arrival of the next or succeeding car, as ordered by the Commission, and requesting that the said Order No. 183 be modified so that the maintenance of the standing car in the manner above described would be a compliance therewith, and an order for a rehearing, No. 214, having been duly made herein on the 21st day of January, 1908, and a rehearing having duly been had on the 29th day of January, 1908, at which Mr. Commissioner Eustis presided, and Leroy T. Harkness, Esq., Assistant Counsel, appeared for the Commission, and Alfred A. Gardner, Esq., and A. E. Mudge, Esq., appeared for the defendant,

Now, upon all the proceedings and upon the hearing and the rehearing heretofore had herein, it is

Ordered, That the action of the New York City Interborough Railway Company, in keeping such standing car upon its tracks at the point referred to, at all hours except between 1 a. m. and 6 a. m., shall be deemed a substantial compliance with the provisions of the said Order No. 183, subject, however, to the approval of the proper City authorities being obtained to the keeping of such standing car upon the street. It is, however, provided that if the use of such standing car be discontinued for any cause the defendant shall immediately notify the Commission of such discontinuance and within ten days thereafter advise the Commission which of the said courses contained in said Order No. 183 it will then elect to pursue.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(24)

O-252

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 252).

In the Matter
of
Service, regulation and practices of the
New York Central and Hudson River
Railroad Company.
"Restoration of Putnam Division Service."

An order of the Commission, No. 211, having been made herein on the 17th day of January, 1908, requiring the New York Central and Hudson River Railroad Company to give reasons for the proposed discontinuance of trains on the Putnam Division after midnight, and said company having made answer thereto on the 3d day of February, 1908,

Ordered, That upon the matters therein a hearing be had on the 20th day of February, 1908, at 10.30 o'clock in the forenoon, or at any time or times to which the

same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York; that at said hearing the said New York Central and Hudson River Railroad Company show cause why it should not restore the service upon its Putnam Division after midnight, which has been discontinued by taking off trains 103, 105, 106, 107, 108 and 110; further

Ordered, That the said New York Central and Hudson River Railroad Company be given at least five days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity to present evidence and to examine and cross-examine witnesses as to the matters hereinbefore set forth.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(25)

O-253

Commissioner Bassett moved the adoption of the following order:

COMPLAINT ORDER (No. 253).

Margaret Mager,
Complainant,

against

Nassau Electric Railroad Company,
Defendant.

The order of the Commission, being Order No. 253 for satisfaction or answer within ten (10) days, as to station at Ulmer Park, was approved, confirmed and ordered filed in the office of the Commission.

(26)

O-254

The Secretary presented the following order for hearing, of Chairman Willcox, and it was moved and duly seconded that the same be adopted by the Commission:

HEARING ORDER (No. 254).

In the Matter
of the

Hearing on the motion of the Commission as to the regulations, equipment and service of the Interborough Rapid Transit Company, in the respects hereinafter mentioned.

It is hereby

Ordered, That a hearing be had on the 25th day of February, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment, appliances or service of said company upon its elevated lines operating on Columbus avenue, in the Borough of Manhattan, City of New York, with respect to the transporta-

tion of persons, are unjust, unreasonable, unsafe, improper or inadequate, and if it be so found, then to determine whether changes in said regulations, practices, equipment, appliances or service, in the particulars following, at the place herein mentioned, would be just, reasonable, safe, adequate and proper, and whether such changes shall be put in force, observed and used on the line of said company, and also to inquire and determine whether repairs, improvements, changes or additions to or in the tracks, switches, terminals, terminal facilities or other property or device used by said company, in the particulars following, ought reasonably to be made, in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for the transportation of passengers, namely:

Whether said company should be directed to construct and maintain a station or stations on its elevated structure on Columbus avenue at or near the intersection of Ninety-ninth street; and to equip said station or stations with one or more elevators or escalators for the conveyance of passengers to and fro between the station platform and the surface of the street; and to equip said station or stations adequately and completely in every respect for the accommodation of seven car trains in each direction, and for the receiving and discharging of passengers for said trains.

And if such change, improvement and additions be found to be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said Interborough Rapid Transit Company be given at least ten days' notice of such hearing, by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity to present evidence and to examine and cross-examine witnesses as to the matters hereinabove set forth.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The order was referred to Chairman Willcox to designate a Commissioner to conduct the hearing.

(27)

O-255

Commissioner Bassett presented the following:

OPINION.

Coney Island and Brooklyn Railroad Company.
Automatic Circuit Breakers on Closed Cars.

(ORDER No. 203.)

By Order No. 21 the operating company was required to operate and equip its cars in service with improved circuit breakers, either such as are made by the General

Electric Company or such as are equivalent thereto, on or before November 15, 1907. This order was loosely drawn in that it did not specify how many automatic circuit breakers should be placed on each car. The operating company claims to have understood that the placing of one automatic circuit breaker on each car was sufficient. Modern practice requires two automatic circuit breakers on each car, for reasons that are more fully stated in my opinion filed at the close of hearings in Order No. 166.

As the time is already becoming short for this company to procure and equip its closed cars with two automatic circuit breakers each before the warm weather shall arrive, and as the public will suffer no great injury for a few months by reason of the operating of the closed cars in some cases with only one automatic circuit breaker, I am of the opinion that the equipment of all closed cars in service with two automatic circuit breakers of modern type may be postponed until the closed cars go into service in the fall of 1908.

Let an order be prepared accordingly.

February 8, 1908.

(Signed) E. M. BASSETT, Commissioner.

Commissioner Bassett thereupon moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 255), AFTER HEARING ORDER No. 203.

In the Matter
of

The hearing on the motion of the Commission on the question of improvements in and additions to the equipment of the Coney Island and Brooklyn Railroad Company.

"Two automatic circuit breakers for each closed car."

This matter coming on upon the report of the hearing had herein on the 23d day of January, and by adjournment on the 29th day of January and the 5th day of February, 1908, and it appearing that the said hearing was held by and pursuant to an order for a hearing, No. 203, made the 14th day of January, 1908, and returnable on the 23d day of January, 1908, and that the said Order No. 203 was duly served upon the Coney Island and Brooklyn Railroad Company and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified, Mr. Commissioner Bassett presiding and Mr. Backus appearing for the Commission, and John J. Kuhn, Esq., and Mr. Britton appearing for the company;

Now, it being made to appear after the proceedings upon said hearing that it is just, reasonable and proper that the Coney Island and Brooklyn Railroad Company should be directed to make the additions to its appliances and equipment below set forth, in order to promote the security and convenience of the public and employees of said company;

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the said Coney Island and Brooklyn Railroad Company shall, before the closed cars go into service in the fall for the winter season of 1908-1909, provide and equip all of the said closed cars in service with two automatic circuit breakers of modern type, and connect said circuit breakers in multiple on each car and at all times to maintain both of said circuit breakers on each car in good and perfect repair and keep the same properly adjusted for the capacity of the motors of the car on which they are placed, and that the circuit breaker over the motorman's head shall at all times be the one operated; further it is

Ordered, That within five days after service upon it of this order the said Coney Island and Brooklyn Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(28)

O-256

Commissioner Bassett moved the adoption of the following resolution, which was duly seconded:

Whereas, Proceedings have been pending before the Commission, under Order No. 66, made November 4, 1907, for improvements in the Cypress Hills terminal of the Brooklyn Union Elevated Railroad Company; and

Whereas, In said proceedings said company submitted to the Commission on the 13th day of January, 1908, a plan marked Plan "A," for the extensive enlargement and improvement of said terminal, which Plan "A" was marked Exhibit "T" in said proceeding; and

Whereas, In said proceedings J. F. Calderwood, as vice-president and general manager of said Brooklyn Union Elevated Railroad Company, and as vice-president and general manager of the Brooklyn Heights Railroad Company, and as vice-president and general manager of the Brooklyn, Queens County and Suburban Railroad Company, submitted to the Commission a stipulation for and on behalf of each of said companies for an exchange of transfers between said companies at various points, which stipulation is as follows:

"BROOKLYN RAPID TRANSIT COMPANY,
No. 85 CLINTON STREET, BROOKLYN, N. Y.,
OFFICE OF VICE-PRESIDENT AND GENERAL MANAGER,
January 23, 1908." }

Mr. E. M. BASSETT, *Commissioner, Public Service Commission*, No. 154 Nassau Street,
New York City:

DEAR SIR—Referring to the question of transfers between the Myrtle avenue-Richmond Hill line, operated by the Brooklyn Heights Railroad Company, and the

Jamaica avenue line, operated by the Brooklyn, Queens County and Suburban Railroad Company, at the intersection of these two lines, Myrtle and Jamaica avenues, Richmond Hill, which was discussed at hearing on the 13th inst. before the Commission in connection with the proposed enlargement of the Cypress Hills station of the Brooklyn Union Elevated Railroad Company, I beg herewith on behalf of the Brooklyn Heights Railroad Company, the Brooklyn, Queens County and Suburban Railroad Company and the Brooklyn Union Elevated Railroad Company, to submit the following proposition:

Leaving aside all question of legality and without prejudice to any of the rights of the companies involved, but treating the question solely with reference to the exigency of the situation and with the intention of diverting from Cypress Hills a percentage of the traffic tributary to the Jamaica avenue line east of Richmond Hill, the Brooklyn, Queens County and Suburban Railroad Company and the Brooklyn Heights Railroad Company will concede the transfer privilege in question until the completion of the enlarged terminal by the Brooklyn Union Elevated Railroad Company at Cypress Hills and provide an exchange of transfers at Richmond Hill for westbound passengers of the Jamaica avenue line to westbound cars of the Myrtle avenue-Richmond Hill line, and for eastbound passengers of the Myrtle avenue-Richmond Hill line to eastbound cars of the Jamaica avenue line.

At Ridgewood, the westerly terminus of the Myrtle avenue-Richmond Hill line, transfers will be exchanged between that line and cars of the Brooklyn Union Elevated Railroad Company and the Brooklyn Heights Railroad Company, thus affording through passage between New York and Jamaica, via Ridgewood, for a single fare.

The arrangement above outlined, if approved by the Commission, will become effective February 15 proximo.

Yours truly,

(Signed) J. F. CALDERWOOD,

Vice-President and General Manager."

Now therefore be it

Resolved, That the Commission approve of the proposed plan for an exchange of transfers at said points, and accept the proposition of said companies to maintain said exchange of transfers at said points until the completion of the said enlargement and improvement of said terminal at the Cypress Hills station of said Brooklyn Union Elevated Railroad Company in accordance with said Plan "A," which was marked Exhibit "I" in said proceedings under Order No. 66 of this Commission, on the 13th day of January, 1908; and be it further

Resolved, That a copy of this resolution be transmitted to each of said companies.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

Commissioner Bassett thereupon moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 256).

In the Matter
of the

Hearing on the motion of the Commission
on the question of an improvement and
addition to terminal facilities of the
Brooklyn Union Elevated Railroad Com-
pany at Cypress Hills Station.

Under Order for Hearing No. 66, issued
November 4, 1907.

This matter coming on upon the report of the hearing had herein on the 16th day of November, 1907, and various adjournments thereof, and it appearing that the said hearing was held by and pursuant to an order of this Commission made November 4, 1907, and that the said order was duly served upon the Brooklyn Union Elevated Railroad Company, and that the said service was by the said company duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on the 16th day of November, 1907, and by adjournment duly had on the 23d day of November, 1907, and by adjournment duly had on the 2d day of December, 1907, and by adjournment duly had on the 9th day of December, 1907, and by adjournment duly had on the 13th day of January, 1908, and at each of said sessions Mr. Commissioner Bassett presiding, and Arthur N. Dutton, Esq., Assistant General Manager of the Brooklyn Union Elevated Railroad Company, appearing for said railroad company, and William S. Menden, Esq., appearing for said company at said session of January 13, 1908, and it appearing that said Brooklyn Union Elevated Railroad Company on the 13th day of January, 1908, submitted to the Commission a plan marked "A" for the enlargement and improvement of the terminal of said company at Cypress Hills station, which said plan "A" is marked as Exhibit "I" in this proceeding, and that on the 23d day of January, 1908, J. F. Calderwood, as Vice-President and General Manager of the Brooklyn Union Elevated Railroad Company, Brooklyn Heights Railroad Company and Brooklyn, Queens County and Suburban Railroad Company, submitted to the Commission a stipulation for and on behalf of each of said companies, providing for an exchange of transfers between said companies at various points pending the completion of the enlargement and improvement of said terminal at said Cypress Hills station, a copy of which stipulation is attached to this order:

Now, it being made to appear after the proceedings on the said hearing that the following requirements are just, reasonable and proper and such as ought reasonably to be made in order to secure adequate service or facilities for the transportation of passengers and to promote the convenience of the public;

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered:

(1) That pending the completion of the enlargement and improvement of said terminal of the Brooklyn Union Elevated Railroad Company at Cypress Hills station, in accordance with said plan "A" submitted by said company as Exhibit "I" in this proceeding on the 13th day of January, 1908, said company carry out the exchange of transfers with said Brooklyn Heights Railroad Company and said Brooklyn, Queens County and Suburban Railroad Company, at the points and in the manner specified in said stipulation of J. F. Calderwood, Vice-President and General Manager, hereto attached.

(2) That the said Brooklyn Union Elevated Railroad Company notify the Public Service Commission for the First District, on or before the 1st day of May, 1908, when the proposed enlargement and improvement of said terminal at said Cypress Hills station, in accordance with said plan "A" submitted on January 13, 1908, will be completed.

And it is further ordered: That this order shall take effect on the 15th day of February, 1908, and shall remain in force until modified by the further order of this Commission, without prejudice to the making and issuing of any further order or orders for hearing upon any of the matters involved in this proceeding.

And it is further ordered: That within five days from and after the service of this order the said Brooklyn Union Elevated Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(29)

O-257

Commissioner Bassett presented the following:

REPORT.

In the Matter
of the

Hearing on the motion of the Commission
as to the regulations, practices, equipment and service of the Brooklyn Union
Elevated Railroad Company, in the respects hereinafter mentioned.

(ORDER No. 213.)

I was designated to take charge of a hearing regarding the need of a wrecking car at the Brooklyn Bridge terminal of the Brooklyn Union Elevated Railroad Company's lines. There appears to have been about three derailments of elevated cars, one at and the others near the Brooklyn Bridge, during the last four months, to attend to which a wrecking car was sent for. The company keeps two wrecking cars, one at East New York and the other at Thirty-sixth street. For derailments near the

bridge the East New York wrecking car is usually sent for. It appears that on each occasion it took about one hour and five minutes for the wrecking car to reach the scene of the accident after its happening. The company is about to install six large boxes of wrecking tools at different places at and in the neighborhood of the bridge, and it is the opinion of the company officials and engineers that tools, jacks, etc., placed at convenient intervals in this way will be more useful than to maintain a wrecking car at the bridge.

On account of lack of head room derricks cannot be erected on the company's wrecking cars, and on this account the cars are not as useful as on ordinary railroads. Special crews are needed and no crews for operation of a wrecking car kept at the bridge would be useful during intervals between accidents. The cars are kept at present near the shops, so that when word is telephoned to the shop superintendent he can put a crew on the wrecking car and run it to any part of the system. Suitable tools can be placed in the car according to the nature of the accident.

I think it is the fact that a wrecking car is useful in two to five per cent. of the elevated railroad accidents. The company officials claim that in the case of the accidents reported by our Inspectors the delay in the wrecking car reaching the scene of the accident did not delay the operation of the road because as rapid progress was being made in replacing the car as would be made if the wrecking car was actually present, and that sometimes the wrecking car is not used when it is sent for. Congestion of the tracks lessens the usefulness of a wrecking car on a crowded elevated railroad because it cannot get by other cars that are usually stalled near the accident. This is especially so on the Brooklyn Bridge.

Notwithstanding these facts, the present operation of the Brooklyn Bridge cars is so dependent upon freedom from accidents and quick removal of stoppages when they occur that even if the presence of a wrecking car at the Brooklyn Bridge is of only slight and occasional benefit, one should, in my opinion, be maintained there. The Brooklyn Bridge problem is so acute that no small economy as to men or materials should stand in the way of the adoption of every possible precaution. If the six large tool boxes are supplied there certainly must be men kept in the neighborhood of the bridge who are competent to make use of the tools, and I can see no reason why these men, or possibly a few additional mechanics, should not be kept in the neighborhood of the bridge, who can operate the wrecking car. It is my opinion, therefore, that the tool boxes should be installed in accordance with the plans already made and that a wrecking car in repair and ready for use should at all times be kept at or near the Brooklyn Bridge.

Let an order be prepared accordingly.

February 8, 1908.

(Signed) E. M. BASSETT, Commissioner.

Commissioner Bassett thereupon moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 257). AFTER HEARING ORDER (No. 213.)

In the Matter

of

The hearing on the motion of the Commission as to the regulations, practices, equipment and service of the Brooklyn Union Elevated Railroad Company.
"Wrecking train at Brooklyn Terminal of Brooklyn Bridge."

This matter coming on upon the report of a hearing held herein on the 3d day of February, 1908, pursuant to an order of the Commission, No. 213, made January 21, 1908, and said order having been duly served on the said Brooklyn Union Elevated Railroad Company, and service of said order having been duly acknowledged by said company, and it appearing that said hearing was held by and before the Commission on the matters embraced and specified in said order No. 213, Commissioner Bassett presiding and conducting the investigation on behalf of the Commission in person, and Mr. Arthur N. Dutton appearing for said company, and proof having been duly taken upon said hearing, and it appearing therefrom that it would be just, reasonable and proper to direct the said Brooklyn Union Elevated Railroad Company to provide the increased facilities below set forth for removing obstructions to traffic in case of accident, and that the time hereinafter given within which to provide such additional facilities is reasonable,

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is Ordered:

I. That by or before the first day of March, 1908, said Brooklyn Union Elevated Railroad Company install at or in the immediate neighborhood of the Brooklyn Bridge six large boxes of wrecking tools, consisting of wedges, chains, locks, jacks, ropes, fire extinguishers, and such other apparatus as may be needed for use in case of accident and derailment upon the Brooklyn Bridge.

II. That the said company by or before the first day of March, 1908, station at its terminal yard at or near the Brooklyn terminal of the Brooklyn Bridge and keep and maintain there a wrecking car or wrecking train ready for use by said company in clearing its track upon and near said Bridge, and opening the same up for transportation in cases of derailments or other accidents on or near said Bridge. It is further

Ordered, That within five (5) days the said Brooklyn Union Elevated Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(30)

O-258

Commissioner Eustis moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 258).

In the Matter
of

The hearing on the motion of the Commission as to the regulations, practices, equipment and service of the New York Central and Hudson River Railroad Company in the respects hereinafter mentioned.

Under order for hearing No. 212, dated January 21, 1908.

This matter coming on upon the report of the hearing had herein on the 3d day of February, 1908, under order for hearing No. 212, dated January 21, 1908, and it appearing that said hearing was had pursuant to said order, which was duly served on the said New York Central and Hudson River Railroad Company on the 22d day of January, 1908, and that said hearing was held by and before the Commission on the matters embraced in said order on the 3d day of February, 1908, before Mr. Commissioner Eustis, presiding, Harry M. Chamberlain, Esq., appearing for the Commission and Clyde Brown, Esq., appearing for the said railroad company and proof having been taken upon said hearing and it having been made to appear by the proceedings on said hearing that the regulations, practices and service of said railroad company in respect to the transportation of persons, freight and property upon its line known as the New York and Putnam Division, at the Two Hundred and Twenty-fifth street crossing of said division, in the Borough of The Bronx, City and State of New York, are unsafe, improper and inadequate in that the gates at said crossing are maintained in a vertical position and are in practice lowered only when trains are approaching, and that owing to obstructions in the line of vision of the gatemen at said crossing, it is impossible for him in every instance to detect the approach of trains in time to lower said gates and thereby protect the traveling public, and that said gates are at times not lowered in time to protect the traveling public and that the changes in the method of operating said gates at said crossing ought reasonably to be made, in order to promote the security and convenience of the public, and it appearing from the testimony taken on said hearing that the security and convenience of the public would be promoted by a change in the practices of said company, in the manner of operating said gates at said crossing, by keeping said gates lowered in a horizontal position, except at such times as pedestrians, teams or vehicles may wish to cross the railroad tracks at said crossing, and it appearing from the testimony taken upon said hearing that the maintenance of said gates in a vertical position, as above stated, is contrary to and in violation of the orders of said railroad company to its gatemen at said crossing and that a compliance with such orders would promote the security and convenience of the public as aforesaid,

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the New York Central and Hudson River Railroad Company be and it hereby is directed and required to keep and maintain the gates at said crossing in a horizontal position at all times except when pedestrians, teams or vehicles may desire to cross the tracks at said crossing. It is further

Ordered, That said New York Central and Hudson River Railroad Company put such change in the operation of said gates into effect within five days after service upon it of a certified copy of this order. It is further

Ordered, That said New York Central and Hudson River Railroad Company notify the Public Service Commission for the First District within five (5) days after the service of this order whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(31)

O-259

Commissioner Eustis moved the adoption of the following dismissal order, which was duly seconded:

ORDER (No. 259) DISMISSING PROCEEDINGS UNDER ORDER NO. III.

In the Matter
of the

Hearing on the motion of the Commission on the question of improvements in and additions to the service and equipment of the Interborough Rapid Transit Company.

Subway increase under Order No. III.

This matter coming on upon the report of the hearing had on December 11, 1907, December 20, 1907, December 23, 1907, January 15, 1908, and January 29, 1908, and it appearing that the said hearing was held by and pursuant to an order of this Commission made November 27, 1907, and returnable on December 11, 1907, and that said order was duly served upon the said Interborough Rapid Transit Company, and that said hearing was held by and before the Commission on the matters in said order specified on said December 11, 1907, December 20, 1907, December 23, 1907, January 15, 1908, and January 29, 1908, Mr. Commissioner Eustis presiding, Mr. Alfred A. Gardner appearing for the Interborough Rapid Transit Company, and Mr. Oliver C. Semple appearing for the Commission;

Now, it being made to appear after the said hearing that under the new schedule of the company adopted January 9, 1908, a number of cars greater than that specified in the order for hearing has been added by the said company since the order was served; therefore

On motion of George S. Coleman, Esq., Counsel to the Commission, it is
 Ordered, That this proceeding be and the same hereby is dismissed, and that this
 order be filed in the office of the Commission.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(32)

O-220

The Secretary presented a communication from the Brooklyn Heights Railroad Company, upon Order No. 220 of the Commission, with regard to the condition of tracks and switches on Main street at Prospect and Fulton streets. The communication was referred to Commissioner Bassett and stated:

"February 6, 1908.

"Referring to your favor of the 28th ult., transmitting Order No. 220, in the matter of complaint of Robert E. Anthony against the condition of tracks and switches on Main street, at Prospect and Fulton streets, I beg to say that an inspection of this location shows that the tracks and switches are not at the present time in need of renewal. So far as the curves are concerned, as great a degree of elevation on the outer rail has been made as the grade of the street permits.

In compliance with Rule No. 8 of the Commission, copy of this letter has been sent to complainant.

Yours truly,

J. F. CALDERWOOD,

Vice-President and General Manager."

(33)

2200

The Secretary presented a communication from the General Solicitor of the New York Central and Hudson River Railroad Company transmitting the following resolution adopted by the Board of Directors of the New York and Harlem Railroad Company, on February 5, 1908, which was ordered filed:

Resolved, That Clyde Brown, general solicitor of the New York Central and Hudson River Railroad Company be and he is hereby authorized, on behalf of this company, to admit service of any order of either of the Commissions established by the Public Service Commissions Law; and to sign and acknowledge the notification of the receipt of a certified copy of any such order as provided in section 23 of the said law.

(34)

1265

The Secretary presented a communication from Henry A. Gumbleton, Secretary of the Local Boards, Borough of The Bronx, transmitting a resolution adopted by the Local Board of Van Cortlandt, Twenty-fifth District, on January 30, 1908.

On motion, duly seconded and carried, the Secretary was directed to ascertain the exact facts on the subject of the resolution and to reply to the letter. The resolution was as follows:

Resolved, That the Local Board of Van Cortlandt, Twenty-fifth District, hereby recommends to the Public Service Commission for the First District the construction and maintenance of stations at Two Hundred and Thirty-first street, Two Hundred and Thirty-eighth street and Two Hundred and Forty-second street, on the Broadway subway extension.

(35)

2919

The Secretary presented a communication from Charles SooySmith, Consulting Engineer, as to plans for the proposed new subway under Broadway, which was referred to the Chief Engineer, and was as follows:

February 7, 1908.

The President, Public Service Commission, No. 154 Nassau Street, City:

DEAR SIR—I feel impelled to make to your Board the following suggestions, which I trust you will consider of sufficient value for submission to your engineers. Namely, that the plans for the proposed new subway under Broadway, etc., should contemplate its possible ultimate conversion from use as a rapid transit route to its use by continuous train or movable sidewalk. This latter, I think the best equipped students of the subject now believe to be the inevitable ultimate way of getting relief for the growing surface traffic.

To provide for this possible change, perhaps, the only necessary alteration from the present plans would be to have a single line of columns instead of three; that is, bridging the entire four tracks by two spans of girders instead of four. There would be a considerable offset to the additional cost of the heavier girders, coming from the decreased width due to the saving of four clearances for the two lines of column omitted. In addition to the amount of excavation saved, there will doubtless be many points where the decreased width would save in damages, pipe removal difficulties, etc.

Doubtless the conditions limiting at the present time the treatment of problems for providing more transit facilities are such that a double decked structure giving six or eight tracks cannot be considered, but I have been very much impressed with the advantages there would be in the long run, if after all the difficulties of pipe removal, sewerage diversion, acquirements of lands, etc., have been overcome, for four tracks on the same level, an additional two or four could be put in underneath them.

A very considerable portion of the expense of a given line is made up of the maintenance during construction or renewal of subsurface pipe systems, renewal of pavements, sidewalks and back filling, acquirement of land, etc. These expenses would be a little increased were eight tracks, four beneath four, built instead of four only.

It would seem to me that the ideal plan for a central subway particularly under Broadway, would be four lower express tracks with movable sidewalk above. The earning power of such a subway would be so great that I am inclined to believe that it would be even now the most inviting plan that could be put forth if it has to be built with private capital.

You are doubtless flooded with impracticable suggestions, and I will take the liberty in justification of making the foregoing one of saying that I have been in close touch with the designing and carrying out of the underground road, having served as expert for the old Rapid Transit Commission and as Consulting Engineer in the inauguration of the work by Mr. McDonald. Permit me also to say that I have no alliance with any people who are interested or who would be interested in the construction of the road, nor any ambitions in the matter.

Yours very truly,

(Signed) CHARLES SOOYSMITH, Consulting Engineer.

(36)

2132

The Secretary presented a communication from the Subway Committee of the Allied Civic Bodies of South Brooklyn, transmitting a resolution commending the work of the Commission in the matter of the Fourth avenue subway. The communication was ordered filed.

(37)

3050

The Secretary presented a communication from the Central Federated Union, transmitting a resolution adopted by it on February 2, 1908, which was referred to Chairman Willcox for answer. The resolution was as follows:

Whereas, After a campaign of education carried on by the organizations represented in the Central Federated Union, it is the desired wish of 220 labor organizations containing a membership of 250,000 trades unionists, a large percentage of which are vitally interested in the construction of subways in The City of New York; and

Whereas, The various hearings now being conducted by the Public Service Commission show a disposition to commence active construction on plans best suited to allay the present overcrowded conditions affecting the bridges and street railroad companies; and

Whereas, The present Commission has justified its appointment by prompt public inquiry into the scandalous conditions of transport service in this City, and in promptly considering new routes; therefore be it

Resolved, That we, the Central Federated Union of New York City respectfully request:

First—That a comprehensive plan of subway transport for the City as a whole be reported at as early a date as possible, to determine on how many and which routes should be commenced; to prepare specifications and invite bids for construction on such terms as shall attract the greatest number of responsible bids for normal con-

struction sections, and thereupon to proceed with the work as fast as economical use of funds shall permit.

Second—If the Public Service Commission shall promptly announce and vigorously progress subway plans. We believe public opinion will compel provision of funds therefor, and we pledge our efforts to see that our City officials shall realize the necessity for immediate action.

Third—We favor prompt extension of our City's available credit by exception of indebtedness for dock and subway, as well as other definitely profitable investments from calculation of the City's debt, and we condemn our present debt limitation as one long obsolete, but kept in the law for the purpose of so obstructing the City in the use of its credit as to compel it to depend upon private capital to supply light and transport service on such extortionate terms as it may dictate.

Fourth—It is with the full knowledge that your Commission has been created in order to take care and supervise all the facilities for public conveyances, such as subways, trolley lines, lighting, telephoning and telegraphing, that we request you to give your earnest and immediate attention to all these matters. You will certainly observe that the working people of this great City contribute largely towards the income of all such facilities and it is their prerogative to ask that immediate action be taken to at once report a plan of subway construction that will relieve the entire City of its present overcrowded system of street railway transportation, both elevated and subways.

Fifth—We hereby offer the services of the Central Federated Union to act in concert with you, to bring about a satisfactory system of construction with a thorough understanding with those who will be employed on that work. Concurred in, and decided to send a copy to Governor Hughes, the Public Service Commission and to the members of the Board of Estimate and Apportionment.

(38)

The Secretary presented the following vouchers, the bills of which have been duly approved by Commissioner Eustis, as Committee on Audit for the month of February, whereupon, on motion, duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of The City of New York for payment:

Voucher No.	In Favor Of.	Services or Material.	Amount.
672.	Art Metal Construction Company	Furniture, as per bill of January 24, 1908.....	\$195 00
673.	Banks & Co.	Law books, as per bill of January 27, 1908.....	758 50
674.	The Banks Law Publishing Company	Law books, as per bill of February 4, 1908.....	299 00
675.	Chambers Printing Company...	Printing, as per bills of January 4 and 9, 1908.	52 00

Voucher No.	In Favor Of.	Services or Material.	Amount.
676.	Fritz & Soeldel Manufacturing Company.....	Furniture, as per bill of January 24, 1908.....	36 19
677.	Fowler Manufacturing Company	Toilet service, month of January, as per bill of January 31, 1908.....	20 13
678.	Hammacher, Schlemmer & Co.	Hardware, as per bills of December 17 and 28, 1908	3 35
679.	Keuffel & Esser Company...	Engineering supplies, as per bills of January 18, 20, 23 and 24 (4), 1908.....	80 68
680.	The Lawyers' Co-operative Publishing Company.....	Law publications, as per bill of January 28, 1908	37 25
681.	Library Bureau.....	Stationery and furniture, as per bills of January 7, 15, 28 and 30, 1908.....	180 95
682.	The Macey Company.....	Furniture, as per bill of January 31, 1908.....	16 00
683.	William H. Miller.....	Janitor service, month of January, as per bill of January 31, 1908.....	26 00
684.	New York Telephone Company	Telephone service, as per bills of November 1 (3), December 1 (9) and December 31 (2), 1907	290 10
685.	New York and New Jersey Telephone Company.....	Brooklyn telephone service, as per bills of December 31 (2), 1907.....	89 21
686.	August R. Ohman & Co.....	Maps, as per bill of February 3, 1908.....	18 00
687.	The J. W. Pratt Company...	Stationery, as per bills of December 21, 1907; January 3, 4, 6, 9, 14 and 21, 1908.....	184 60
688.	Patterson Brothers.....	Hardware, as per bill of February 3, 1908.....	3 75
689.	Philip Prince.....	Janitor service, month of January, as per bill of January 31, 1908.....	15 00
690.	Rubel Manufacturing Company	Stationery, as per bill of January 15, 1908.....	21 00
691.	John Schroder.....	Janitor service, month of January, as per bill of January 31, 1908.....	15 00
692.	G. E. Stechert & Co.....	Publications, as per bills of January 9 (3), 15 and 30, 1908.....	14 03
693.	Tower Manufacturing and Novelty Company.....	Stationery, as per bills of December 17, 26, 1907; January 3 and 20, 1908.....	61 21
694.	R. F. Ware.....	Mailing tubes, as per bill of January 25, 1908..	7 50
695.	West Publishing Company...	Law books, as per bill of January 17, 1908....	342 00
696.	Weston Electrical Instrument Company	Electrical instruments, as per bill of January 25, 1908	164 83
697.	Western Union Telegraph Company	Telegraph service, months of October, November, December, 1907; January, 1908, as per bills of October 31, November 30, December 31, 1907; January 31, 1908.....	9 28
698.	A. A. Weeks, Hoskins Company	Stationery and furniture, as per bills of January 29 (2) and February 3, 1908.....	84 55
699.	George W. White.....	Rent of No. 323 Schermerhorn street, Brooklyn, month of January, as per bill of February 1, 1908	32 00
Total.....			\$3,057 11

The following payrolls were approved by Chairman Willcox:

Voucher No.	In Favor Of.	Services or Material.	Amount.
666.	Inspectors of Masonry.....	Week ending February 5, 1908.....	\$1,517 19
667.	Gas Meter Testers.....	Week ending February 5, 1908.....	378 00
668.	Office Staff.....	Supplementary roll, month ending January 31, 1908	112 09
669.	Transportation Bureau.....	Supplementary roll No. 3, month ending Decem- ber 31, 1907.....	54 84
670.	Transportation Bureau.....	Supplementary roll, month ending January 31, 1908	199 99
671.	Engineering Corps.....	Supplementary roll, month ending January 31, 1908	250 00
Total.....			\$2,512 11

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, FEBRUARY 14, 1908.

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

There were present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

1373

The Secretary presented the following resolution adopted by the Senate on February 5, 1908, and concurred in by the Assembly on February 12, 1908, which was referred to Commissioner Maltbie for preparation of reply:

STATE OF NEW YORK.

IN SENATE.

ALBANY, February 5, 1908.

By Mr. Harte—

Resolved, (if the Assembly concur) That owing to the fact that the Steinway tunnel, connecting the Borough of Manhattan with the Borough of Queens, has been practically completed and is ready for the operating of cars excepting for the approaches, where work has been suspended, and as the people of The City of New York and Long Island generally, especially those whose business takes them to and from the Borough of Manhattan almost daily, are desirous of seeing this work pushed to a completion whereby they may enjoy the benefits of this great public improvement, the Public Service Commission for the First District is hereby directed to furnish the Senate of the State of New York, within ten days after the receipt of this resolution, information as to what steps they have taken towards the tunnel's speedy operation, and any other information they have received in connection therewith.

By order of the Senate.

(Signed) LAFAYETTE B. GLEASON, Clerk.

In Assembly, February 12, 1908.

By order of the Assembly.

Concurred in without amendment.

(Signed) RAY B. SMITH, Clerk.

(12)

(2)

2622

The Secretary presented a communication from the Comptroller of the City, asking for a certified copy of the agreement modifying Contract No. 2 as to the payment of rental; and also a communication from the Counsel to the Commission, pointing out that the subject of rental for the portion of the subway to Borough Hall recently put in operation was covered by a modifying contract entered into on the 14th day of December, 1905, by the Rapid Transit Commission. The Secretary was directed to comply with the request of the Comptroller. The two communications were as follows:

February 1, 1908.

The Public Service Commission for the First District, New York, Hon. WILLIAM R. WILLCOX, Chairman, No. 154 Nassau Street, New York City:

DEAR SIR—In conformity with the custom established in this Department, I herewith transmit for your information copies of receipts given the Interborough Rapid Transit Company in payment of the interest rental of the Rapid Transit Railroad (the subway) for the fourth quarter of the year ending December 31, 1907.

The fourth section of the Brooklyn-Manhattan Division of the Rapid Transit Railroad having been declared by your Commission ready for operation, and as the same is now in actual operation under Contract No. 2, I will thank you to transmit to this Department a certified copy of the agreement modifying Contract No. 2, setting forth the date of opening and the estimated cost thereof, in order that the City may be provided with the information and authority to collect the interest rentals and Sinking Fund rentals as the same may become due and payable under the Laws of 1891, chapter 4, as amended.

Thanking you in advance, I am,

Yours very truly,

(Signed) H. A. METZ, Comptroller.

February 6, 1908.

Public Service Commission for the First District:

SIRS—I have the letter of the Secretary of the 5th inst., transmitting a copy of a letter from the Comptroller of The City of New York, dated the 1st inst., asking for information to enable the City to fix the amount of the rental for the section of the Brooklyn-Manhattan subway, lately opened from South Ferry in Manhattan, to Borough Hall, in Brooklyn.

The Comptroller evidently assumes that a modifying contract has been made to cover the rental on this section, but such is not the case. The modifying agreement of December 14, 1905, to provide for the portion of rental to be paid for the three sections then in operation, contains a provision that

"From time to time, as further portions of the railroad are permitted by the Board to be operated, after the date of this agreement, if the same shall (with the

portions heretofore permitted to be operated) constitute less than the entire railroad as described in the contract, the Interborough Company shall and will pay to the City rental for such portions of the railroad, which rental shall be fixed and ascertained on the principles and in the manner hereinabove provided with respect to the portions of the railroad operated, as above stated, on and after January 16, 1905."

The principle adopted for the three sections then in operation was the payment of rental upon the basis of the \$2,000,000 contract price, the amount upon which rental was paid being the proportion of such contract price as the number of feet of single track in operation bore to the number of feet of single track embraced in the entire road. To fix the rental for the under-river portion lately opened, it will, therefore, be necessary to determine the proportion that the number of feet of single track embraced therein bears to the number of feet of single track in the entire road, and that proportion of the contract price of \$2,000,000, together with the cost of all extra work duly authorized and embraced in such section and less the cost of all work directed to be omitted therefrom, will be the amount upon which the contractor is to pay rental for this section.

I think one of the originals of the modifying agreement referred to is in the Comptroller's files, but it would be well to send him a certified copy and call his attention to the method of ascertaining the proportion of rental referred to above, and at the same time advise him just what that proportion is. I understand that this figure is being worked out by the Engineering Department.

Respectfully yours,

(Signed) GEO. S. COLEMAN, Counsel to the Commission.

(3)

3149

The Secretary presented a report from the Chief Engineer, recommending that as to Section 9-0-4 of the Brooklyn loop lines, proceedings for the condemnation of property under the old plans be discontinued, and that condemnation proceedings in accordance with the new plans be instituted, in view of the fact that it is now possible to proceed with the Bradley Company in accordance with the changes in the plans. The matter was referred to the Counsel to the Commission for drafting of suitable resolutions.

(4)

3045

The Secretary stated that the Civil Service Commission on February 6, 1908, approved of the regrading of the employees of the Commission in the Bureau of Gas and Electricity, and thereupon, on motion, duly seconded, the following was adopted:

Resolved, That the following positions be established in the Bureau of Gas and Electricity:

Chief of Gas Meter Testers, per month.....	\$100 00
Complaint Inspector, per month.....	100 00

Gas Meter Tester, first grade, per month.....	90 00
Gas Meter Testers, second grade, per day.....	3 00

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(5) 3045

Upon motion, duly seconded, the following promotions of employees of the Commission who have been with the Commission for more than six months, were made, to take effect February 17, 1908:

Name.	Position.	Salary.
William P. Smith.....	Chief of Gas Meter Testers.....	\$100 per month
Emil J. Schwartz.....	Complaint Inspector.....	100 per month
Michael Brady.....	Gas Meter Tester, first grade.....	90 per month
E. B. Rich.....	Gas Meter Tester, first grade.....	90 per month
S. B. Tooker.....	Gas Meter Tester, first grade.....	90 per month
Thos. R. Lucas.....	Gas Meter Tester, first grade.....	90 per month
Levi Stout.....	Gas Meter Tester, first grade.....	90 per month
Louis Jacobs.....	Gas Meter Tester, first grade.....	90 per month
John J. Warttinger.....	Gas Meter Tester, first grade.....	90 per month
Wm. H. De Revere.....	Gas Meter Tester, first grade.....	90 per month

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(6) 3088

The Secretary presented a communication from the State Civil Service Commission, transmitting the following resolution, adopted on February 6, 1908:

Resolved, That William J. Hagenah, to be employed by the Public Service Commission for the First District, as Expert in the matter of accounts for gas and electric lighting companies, be and hereby is excepted from examination under the provisions of Civil Service Rule VIII, subdivision 9, it appearing that Mr. Hagenah is a person engaged in private business and that the services to be rendered are technical and expert and of occasional and exceptional character, provided, however, that his compensation shall not exceed the sum of \$300.

On motion, duly seconded, it was

Resolved, That the following appointment be made: William J. Hagenah, Accountant (exempt), at a salary of \$7 per diem, but not to exceed \$300 in the aggregate.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(7)

3145

On motion, duly seconded, it was

Resolved, That the following appointment be made from the certified Civil Service list:

Name.	Position.	Salary.	To Take Effect.
William C. Whiston.....	Electrical Engineer.....	\$150 per month.....	February 14, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

2601

On motion, duly seconded, it was

Resolved, That the following appointment be terminated for neglect of duty:

Name.	Position.	To Take Effect.
John J. Halley.....	Transit Inspector.....	February 11, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(9)

2528

On motion, duly seconded, it was

Resolved, That the following provisional appointments be terminated:

Name.	Position.	To Take Effect.
James S. Anderson.....	Filing Clerk.....	February 14, 1908
Caroline A. Wischer.....	Filing Clerk.....	February 14, 1908
Beatrice Fitzpatrick.....	Filing Clerk.....	February 14, 1908
Geraldine M. McBride.....	Filing Clerk.....	February 14, 1908
Cassie A. Doran.....	Filing Clerk.....	February 14, 1908
John C. Norris.....	Filing Clerk.....	February 14, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(10)

2879

The Secretary presented a communication from the Chief Engineer, recommending that William J. B. Cogley, Axeman, be dropped from the pay roll as of February 3, because of his not having reported for duty since that time.

On motion, duly seconded, it was thereupon

Resolved, That the appointment of William J. B. Cogley, Axeman, be terminated as of February 3, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(11)

2976

The Secretary presented a communication from the South Midwood Residents' Association, transmitting the following petition, bearing eighty-four signatures, which was referred to Commissioner Bassett:

To the Public Service Commission for the First District:

The undersigned residents of the South Midwood section of Brooklyn, join in the complaint sent to the Public Service Commission on behalf of the South Midwood Residents' Association on July 22, 1907, and we respectfully demand that the running of ash cars through Avenue F and Ocean avenue be stopped because of the injury thereby caused to the health and property of the residents of the section; and we further join in the suggestion that the depressed Brighton Beach Railroad, which has a track connection with the surface railroads at Malbone street and Flatbush avenue, should be used instead of the surface railroads, for the conveyance of heavy weighted ash cars through the Flatbush section of the City.

(12)

3193

The Secretary presented a communication from E. Van Etten and Walter H. Knight, as to an express subway from City Hall to One Hundred and Forty-fifth street and Seventh avenue, with stations at suitable points, and connection with the present subway, which was referred to the Committee of the Whole.

(13)

1074

The Secretary presented a communication from the Continuous Transit Securities Company, with regard to the mapping out by the Commission of a general system of new rapid transit routes, calling attention to its letter to the Commission under date of July 18, 1907, in which application is made to allow it to bid on the construction of a subway under Broadway, from Fourteenth to Forty-second street, and to operate therein a moving platform railway; and requesting that this proposition receive proper consideration in connection with the new plans. The papers were referred to the Committee of the Whole.

(14)

3173

The Secretary presented a communication from the Allied Civic Associations of the Fourth Ward of the Borough of Queens, transmitting resolutions calling the attention of the Commission to the refusal of the Brooklyn Rapid Transit Company to issue transfers at Myrtle and Jamaica avenues, Richmond Hill; stating that such refusal was discrimination; and advocating the immediate purchase of the Belmont tunnel and the extension of the Lafayette avenue-Broadway subway by a spur at Graham avenue, or other convenient point, to Long Island City, to connect with the Belmont tunnel. The papers were referred to Commissioner Bassett to prepare an answer.

(15)

2204

The Secretary presented a communication from the Flushing Association, transmitting resolutions adopted February 7, 1908, with regard to the proposed amendments to the Constitution affecting the construction and operation of transit lines in New York City, proposing various amendments to the Constitution and transportation laws, to facilitate such construction and operation, which was referred to the Committee of the Whole.

(16)

2204

The Secretary presented a communication from the Prospect Heights Citizens' Association transmitting a resolution adopted on February 10, 1908, pledging to the Commission the support of that association in its recommendation to the Legislature of amendments to the Constitution excluding from the debt limit certain bonds issued by the City for docks and subways. The papers were ordered filed.

(17)

O-228

The Secretary presented the following communication from the Brooklyn Union Elevated Railroad Company, upon Order No. 228 of the Commission, with regard to train despatchers and records of movement of trains, which was ordered filed:

BROOKLYN UNION ELEVATED RAILROAD COMPANY, }
No. 85 CLINTON STREET, }
BROOKLYN, N. Y., February 10, 1908. }

Mr. TRAVIS H. WHITNEY, *Secretary, Public Service Commission*, No. 154 Nassau Street, New York City:

DEAR SIR—Referring to your favor of the 31st ult., transmitting Order No. 228, I beg to answer the questions therein as follows:

First—At what points on the elevated lines are train despatchers stationed?

Answer—Train despatchers are stationed at Park row, Brooklyn end of bridge, Sixty-fifth street (Bay Ridge), Thirty-sixth street, West End terminal, Culver ter-

minal, East New York loop, City line, Cypress Hills, Canarsie depot, Broadway ferry, Fresh Pond road, Metropolitan avenue, High street and Kings County bridge.

Second—Do despatchers make a record of the actual time of train movement past such points, covering any or all of the twenty-four hours?

Answer—Train despatchers make a record of train movements, showing actual as well as schedule times of arrival and departure of trains, cause of delays, if any, and names of trainmen in charge of cars. They also promptly telegraph the Chief Dispatcher's office, No. 85 Clinton street, all delays and irregularities in service. Tours of duty cover the twenty-four hours.

Third—If the train despatchers do not make such a record, what are their functions and are such records obtained by any other employees of the railroad company?

Answer—This is answered in No. 2.

Fourth—Are any of the general officers of the operating company supplied each day with "Trouble" reports, or any reports which would indicate whether the trains on the various lines were or were not being operated in accordance with the schedule, and the cause of such variations therefrom as might occur?

Answer—Delay reports covering the various phases of operation are furnished the general officers of the company throughout the day.

Yours truly,

(Signed) J. F. CALDERWOOD,
Vice-President and General Manager.

(18)

O-249

The Secretary stated that a communication had been received from the South Brooklyn Railway Company, upon Order No. 249 of the Commission, complaint of Frank Bennett, in relation to platforms on Gravesend avenue, notifying the Commission that the terms of the Order were accepted and would be obeyed. The communication was ordered filed.

(19)

O-263

The Secretary presented the following communication from the Brooklyn Union Elevated Railroad Company, upon Order No. 153:

February 11, 1908.

MR. TRAVIS H. WHITNEY, *Secretary, Public Service Commission*, No. 154 Nassau Street, New York City:

DEAR SIR—Referring to Order No. 153 of the Public Service Commission, paragraph No. 1, which requires the installation of crossing gates at Fresh Pond road, on the Lutheran Cemetery line, I beg to say that owing to the non-delivery of certain essential material it was not possible to put the gates in operation on the 10th inst., as required in said order.

These gates will be completed and in operation not later than the 20th inst., and I beg to inquire whether the Commission will consider that we have complied with the requirements of the Order, and if not, to request an extension until that date.

Yours truly,

J. F. CALDERWOOD,
Vice-President and General Manager.

It was thereupon moved and duly seconded that the following order be adopted:

EXTENSION ORDER (No. 263).

In the Matter
of

Regulations, practices and service of the
Brooklyn Union Elevated Railroad Com-
pany.

"Gates at Fresh Pond Road, on Lutheran
Cemetery Line."

An Order of the Commission, No. 153, having been made herein on the 11th day of December, 1907, directing the Brooklyn Union Elevated Railroad Company to complete the gates in the course of construction at the crossing of its Lutheran Cemetery Line at Fresh Pond road, and to put said gates in actual operation on or before the 10th day of February, 1908, and the said company having applied in writing on February 11, 1908, for an extension of such time;

Ordered, That the time of the Brooklyn Union Elevated Railroad Company within which to complete and put in operation the gates above mentioned be and the same hereby is extended to and including the 20th day of February, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(20)

O-262

The Secretary presented the following report of the Chief Engineer:

February 12, 1908.

The Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—In accordance with your request of January 20, I have made an investigation of the desirability of placing the side doors on the elevated trains operated on the Brooklyn Bridge, and beg to report as follows:

On Monday evening, February 3, eight men were stationed at the various platforms of the Manhattan Terminal of the Brooklyn Bridge to note the operation of the trains. On the same evening, and at several times since, I have also made a personal investigation to become familiar with the existing conditions.

Between the hours of 5 p. m. and 6.30 p. m. on February 3, trains left the station at intervals of a little more than one minute, some fully loaded and others only to one-half of their capacity. These trains had a total estimated capacity of about 30,000 persons per hour. Seventy-four trains closed their gates against passengers who desired to enter the cars and who had been waiting on the platform for that purpose. This became necessary when the train was obliged to move out in order to permit trains of other lines to follow. The west island platform was dangerously crowded at all times, and gates upon the mezzanine floor kept a dense crowd below, who waited their turn to ascend to the loading platform. The crowding at the small car gates was as dangerous and as fierce as it has been at any time during former bridge operations. The bridge never was so thoroughly policed, but they could not stop the rush for place. The operation of the trains was remarkably regular, but the capacity was not sufficient to do the work required. It would be impossible, with the present arrangement to carry the people who were accustomed to use this route before the Battery Tunnel was open.

It is evident from this investigation that side doors should be used on all trains operated in this terminal, but it does not seem proper to make such a recommendation without a further digest of the Brooklyn Bridge problem in its relation to the operation of the elevated railways of Brooklyn.

The spacing of trains of six elevated railway cars has been limited to 1,000 feet headway. It has been found that trains of bridge cars produce much less deflection upon the bridge than do trains of an equal number of elevated railway cars. It would therefore be equally safe to run trains of six bridge cars, at less than 1,000 feet headway.

The cars of the Brooklyn Rapid Transit Company are estimated to carry 100 passengers per car when loaded at terminals. The bridge cable cars, which are wider and are provided with side doors, are estimated to carry 150 passengers per car. Either may be crowded to 25 per cent. increased capacity.

It will thus be seen that cable car service has about 50 per cent. greater capacity than that of the elevated railway service, provided each car is fully loaded and the trains are run at the same intervals of time; but when approximately half the elevated trains are lightly loaded and when the spacing of these elevated trains is greater than might be required of bridge cars, the difference in carrying capacity may be fully 100 per cent. The estimated capacity of the six bridge car service, as tested on January 25, 1908, was 64,800 passengers per hour, as compared with about 30,000 passengers per hour on Monday evening, February 3. The present system of through trains decreases the number of cars in service on the elevated lines during the rush hours by the number of bridge cars (ninety) which remain idle in the yard. This is about 10 per cent. of the total number of cars in service, or 15 per cent. of their carrying capacity.

It is important that the Brooklyn Bridge and the elevated railways should do full service, as otherwise it will cause congestion in other lines of travel, as noticed in the Battery Tunnel or on surface cars. People who do business in Manhattan and live beyond Brooklyn should find it convenient to use elevated railway or subway for travel, and thus leave the use of the surface cars for local passengers who either reside in Brooklyn or who do business there.

The elevated structure is composed of short spans and can carry trains of any length, because no span carries more than two cars of the train at one time. It is usually an easy matter also to lengthen the station platforms to suit any train, as has already been done on the elevated railroads of Manhattan. The principal objection to the use of long trains has been that the time consumed in giving the starting signal by ringing bells from car to car becomes excessive when the number of cars increase. This requires about four seconds per car, or for a ten car train would consume 40 seconds after the train is ready to start, which with trains running on two minute headway, means a loss of capacity of 30 per cent., and the percentage of loss increases rapidly, as the interval between trains is reduced. This difficulty could be obviated by an automatic signal, by which the motorman could be notified at once when all doors and gates are closed, and he could then start the train without delay. With such improvements it will be more economical as well as more commodious, to operate trains of eight or ten cars in length.

The increased capacity of bridge cars, as already stated, is due to the fact that they are wider than the elevated railway cars. Cars of this width could be operated on the elevated roads by a slight change in the edge of the station platforms. It might not be practicable for the Brooklyn Rapid Transit Company to discard the cars already in service, as they represent a large amount of invested capital, but when increasing the length of trains, all of the present equipment could be operated on a few lines, while the new cars to be acquired could be placed upon other routes, such as the Fulton street and the Brighton Beach. The station platforms of these lines would then be modified accordingly. The extra earning power of large cars and long trains would in time equip the entire road.

It should here be noted that if ten car trains are used, they could not cross the bridge, and it would be necessary to restore the shuttle service, but trains of six bridge cars at 150 passengers per car, will carry approximately the same number of passengers as ten elevated railway cars at 100 passengers per car, leaving but little surplus for additional local passengers along the route.

In view of the foregoing statement, I would make the following recommendations:

First—All cars used for the bridge service should have side doors.

Second—The length of trains on the elevated railway should be increased to eight or ten cars as soon as practicable.

Third—The transfer station at Sands street should be enlarged so as to permit the use of six car bridge trains and ten car elevated trains, and should be provided with ample stairway facilities to make the transfer easy.

Fourth—The railroad should plan to increase its rolling stock by the addition of more commodious cars, with approved side doors and provided with automatic signals by which the motorman may start the train as soon as the doors and gates are closed.

Since the operating capacity of the elevated railroads, and especially of the Brooklyn Bridge, has direct influence upon congestion caused on all other lines, it is important that it should be the subject of special study. The proposition to restore six car shuttle service would at best be a temporary expedient.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

On motion, duly seconded, it was thereupon

Resolved, That the foregoing report of the Chief Engineer be referred to the Committee of the Whole;

(ORDER No. 262.)

That a copy be sent to the Brooklyn Rapid Transit Company for answer;

That a copy be sent to the Department of Bridges with the request that it furnish the Commission such information as it may have upon the subjects therein discussed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

The Chairman offered the following resolution for adoption by the Commission, which was duly seconded:

Resolved, That the Counsel to the Commission be requested to prepare a suitable order to show cause why all cars purchased for future use or now in use in the subway should not be equipped with side doors.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

O-260

Commissioner Maltbie presented the following report and order:

OVERHAULING AND REPAIRING OF SURFACE CARS IN THE BOROUGH OF MANHATTAN.

To the Public Service Commission for the First District:

SIRS—Final Order No. 179 required the receivers of the New York City Railway Company to thoroughly overhaul and repair its entire rolling stock and to turn out ready for use at least ten cars per day from and after February 15, 1908, Sundays and legal holidays excepted. This order was adopted December 30, 1907, and was accepted by the receivers under date of January 4, 1908.

After the adoption of the order, the Third avenue system, including the Third avenue line proper, the Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company and the Dry Dock, East Broadway and Battery Railroad Company, was placed under a separate receiver by the United States District Court. The question thereupon arose whether the order as originally issued applied not only to the cars now being operated by the receivers of the New York City Railway Company, but also to the cars under the jurisdiction of the receiver for the Third avenue system. As the two systems were being operated independently, it also became necessary to decide how many cars the receivers of each system should overhaul and repair daily.

Accordingly, an order for a hearing was issued and evidence taken upon the 13th of February, 1908. Although the receivers of each system acknowledged the receipt of the notice, no one representing either system appeared at the hearing.

Mr. McLimont, of the engineering staff of the Commission, was called and gave evidence to the effect that the receivers of the New York City Railway Company were prepared to overhaul and repair ten cars per day from and after February 15, notwithstanding the severance of the Third avenue system from the lines they had originally operated. Mr. McLimont also testified that the receiver of the Third Avenue Company had ample facilities for overhauling and repairing three cars per day from and after March 1, 1908, and also to overhaul and repair all the open car bodies prior to May 1, 1908. In the hearing held prior to the issuance of Order No. 179, Mr. McLimont presented an exhaustive report showing the need for a thorough overhauling of the cars not only of the New York City Railway Company, but also of the Third avenue system, and the receiver has admitted, in correspondence, that the rolling stock was in a dilapidated condition.

I am of the opinion, therefore, that Order No. 179, should stand unchanged and unmodified as respects the New York City Railway Company and its receivers, and that the receiver of the Third Avenue Railroad Company, the said Dry Dock, East Broadway and Battery Railroad Company, and the Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company should overhaul and repair all of the open cars prior to May 1, 1908; that he should turn out at least three closed cars per day on and after March 2, 1908, Sundays and legal holidays excepted; that he shall report daily in writing the numbers of the cars repaired and that from and after March 1, 1908, a transcript of the "run-in" book or books shall be furnished daily to the Commission.

An order is herewith submitted embodying these recommendations.

Respectfully submitted,

MILO R. MALTBIÉ, Commissioner.

Commissioner Maltbie thereupon moved the adoption of the following order:

ORDER (No. 260).

In the Matter
of

The hearing on the motion of the Commission, on the question of how the duty imposed under an order of the Commission made December 30, 1907, directing the New York City Railway Company, or Adrian H. Joline and Douglas Robinson, its receivers, on and after February 15, 1908, to turn out not fewer than ten cars daily, not including Sundays and holidays, overhauled and repaired as provided in said order, should be divided between said New York City Railway Company or its said receivers, and the Third Avenue Railroad Company, or Frederick W. Whitridge, its receiver.

This matter coming on upon the report of the hearing duly held herein on the 13th day of February, 1908, pursuant to an order of the Commission made January 31, 1908, which said order was duly served on the New York City Railway Company and on Adrian H. Joline and Douglas Robinson, as receivers of said company, on the 1st day of February, 1908, and on the Third Avenue Railroad Company and on Frederick W. Whitridge, as receiver of said company on the 1st day of February, 1908, said Frederick W. Whitridge having been thereafter appointed receiver of the Dry Dock, East Broadway and Battery Railroad Company and of the Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company, said two last mentioned companies having theretofore been owned or controlled by said Third Avenue Railroad Company, which said service was thereafter duly acknowledged, and said hearing having been held by and before the Commission on the matters embraced and specified in said order, Commissioner Maltbie presiding, Mr. Henry H. Whitman appearing for the Commission, and no one appearing in behalf of the said New York City Railway Company nor in behalf of the said Adrian H. Joline and Douglas Robinson as receivers of said company nor in behalf of the Third Avenue Railroad Company, including said Dry Dock, East Broadway and Battery Railroad Company and said Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company, nor in behalf of Frederick W. Whitridge, their receiver, and proof having been duly taken upon said hearing, and it appearing therefrom, in the opinion and judgment of the Commission that the order heretofore made by the Commission on December 30, 1907, known as Order No. 179, should stand unchanged and unmodified as respects the New York City Railway Company, and its said receivers, with the same force and effect as if said receivers had continued to be and now were receivers of the property of the Third Avenue Railroad Company, of the Dry Dock, East Broadway and Battery Railroad Company and of the Forty-second street, Manhattanville and St. Nicholas Avenue Railway Company; and it further appearing in the opinion and

judgment of the Commission that the equipment, appliances and devices of said Third Avenue Railroad Company, said Dry Dock, East Broadway and Battery Railroad Company and said Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company in connection with the transportation of passengers in The City of New York are unsafe, improper and inadequate, and that in order to promote the security and convenience of the public and employees of said company and to secure adequate service and facilities for the transportation of passengers in The City of New York, the repairs hereinafter directed ought reasonably to be made, and that the time hereinafter given within which to make such repairs and improvements is reasonable.

Now, on motion of George S. Coleman, Esq., Counsel for the Commission, it is

Ordered, That the order heretofore made by the Commission on December 30, 1907, known as Order No. 179, shall stand unchanged and unmodified as respects the New York City Railway Company, and its said Receivers, with the same force and effect as if said Receivers had continued to be and now were Receivers of the property of the Third Avenue Railroad Company, of the Dry Dock, East Broadway and Battery Railroad Company, and of the Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company; and it is further

Ordered, That the cars, both open and closed, operated in The City of New York by the said Third Avenue Railroad Company, and said Dry Dock, East Broadway and Battery Railroad Company, and said Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company, or of said Frederick W. Whitridge, their Receiver, receive a thorough inspection, covering car bodies, motor and electric equipment, wiring and trucks, and that said cars be thoroughly overhauled and repaired so that when completed they and each of them shall be in first-class operating and substantially new condition, having safe, proper and adequate car bodies, headlights, pilot fenders, wiring, brasses, controllers, automatic circuit breakers, resistances, axle gear wheels, armature pinions and car wheels; and it is further

Ordered, That on and after the 2d day of March, 1908, the said Third Avenue Railroad Company, and the Dry Dock, East Broadway and Battery Railroad Company, and the Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company, or their said Receiver, turn out not fewer than three of said closed cars daily, not including Sundays and legal holidays, so overhauled and repaired, and that in addition the said Third Avenue Railroad Company, the said Dry Dock, East Broadway and Battery Railroad Company, and the said Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company, or their said Receiver, have all of their said open cars so overhauled and repaired on or prior to the 1st day of May, 1908; it is further

Ordered, That the said Third Avenue Railroad Company, and the said Dry Dock, East Broadway and Battery Railroad Company, and the said Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company, or their said Receiver, notify the Commission daily in writing, in a form to be prescribed by the

Commission, of the number of said cars so turned out as aforesaid, giving the identification numbers thereof, and stating when and where the same are to be tested; it is further

Ordered, That, from and after the 1st day of March, 1908, the said Third Avenue Railroad Company, the said Dry Dock, East Broadway and Battery Railroad Company, and the said Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company, or their said Receiver, furnish and forward daily a transcript of the daily entries in the so-called "run-in" book or books, showing, among other things, which of said cars are out of order; it is further

Ordered, That said New York City Railway Company, or its said Receivers, and the said Third Avenue Railroad Company, the said Dry Dock, East Broadway and Battery Railroad Company, and the said Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company, or their said Receiver, notify the Commission in writing, within five days after the service of this order, whether its terms are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

O-261

Commissioner Maltbie moved the adoption of the following order, which was duly seconded:

ORDER (No. 261).

Resolved, That the Third Avenue Railroad Company, the Forty-second Street, Manhattanville and St. Nicholas Avenue Railroad Company, and the Dry Dock, East Broadway and Battery Railroad Company, or their Receiver, shall use the following form in reporting the cars repaired and ready for inspection, as provided by Order 260.

NEW YORK CITY,.....

*To the Public Service Commission for the First District, Bureau of Transportation,
No. 154 Nassau Street, New York City:*

SIRS—We hereby notify you that the following cars have been overhauled and repaired at.....car barn, as provided in
Order No. 260 of your Commission, and may be tested at.....
on..... Cars numbered.....

(date)

.....
(signed)

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(24)

1625

Commissioner Maltbie presented a lease for certain rooms on the eighteenth and nineteenth floors, and further providing for the surrender of certain rooms on the twelfth floor of the Tribune Building, the lease being to September 1, 1911, at a yearly rental of \$5,091. On motion of Commissioner Maltbie, duly seconded, the Chairman of the Commission was authorized to execute said lease for the Commission.

(25)

2919

Commissioner Eustis reported informally that he had appeared for the Commission at the hearing, given at 10.30 a. m., by the Board of Estimate and Apportionment, upon the communication of this Commission laying out the Broadway-Lexington avenue and Canal street routes, and asking the approval of the Board of Estimate and Apportionment thereof.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, FEBRUARY 18, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

There were present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for February 11 and for February 14, 1908, as printed in the CITY RECORD for February 15 and February 18, 1908, was approved.

(2)

3187

The Secretary presented a communication from H. C. Adams, in charge of Statistics and Accounts for the Interstate Commerce Commission, with regard to the matter of grade crossings, together with a memorandum prepared upon the subject, and also referring to the first volume of the report of the Railroad Commissioners for the year 1906, at page 22, which contains detailed statement of the location and character of grade crossing improvements undertaken under the State Aid Law of 1897. On motion, duly seconded, the Secretary was directed to reply, sending the information desired.

(3)

1625

The Secretary presented a communication from the Comptroller suggesting that the Commissioners of the Sinking Fund be furnished with copies of all leases of premises occupied by this Commission, to be approved in their entirety, instead of having separate bills for rent sent them for approval.

It was understood that the Chairman would make reply thereto.

(4)

2879

The Secretary presented a communication from the Chief Engineer recommending the termination of the services of employees in the Department of Inspection of Material at Pittsburg, Pa., owing to lack of work and the changes proposed to be made in closing the office of that Department at Pittsburg.

(13)

[Form 2002]

[1 M (B)]

On motion, duly seconded, it was thereupon

Resolved, That the following appointments be terminated, owing to lack of work and the closing of the office at Pittsburg, Pa.:

Name.	Position.	To Take Effect.
W. A. Aiken.....	General Inspector of Material.....	Mar. 31, 1908
Lewis G. Wilcox.....	Inspector of Steel.....	Feb. 29, 1908
Frederick T. Neumann.....	Inspector of Steel.....	Feb. 29, 1908
Samuel P. Davis.....	Inspector of Steel.....	Feb. 29, 1908
Henry T. Bradbury.....	Inspector of Steel.....	Feb. 29, 1908
George R. Nauss.....	Inspector of Steel.....	Feb. 29, 1908
Albert B. Woythaler.....	Cement Tester.....	Feb. 29, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(5)

3200

The Secretary presented the following communication from the Corporation Counsel with regard to the validation of the deviation from the original route of the rapid transit railway on Park avenue, which was referred to the Counsel to the Commission:

NEW YORK, February 14, 1908.

The Public Service Commission for the First District:

DEAR SIRS—I write to request your action in relation to the situation arising from the attempt on the part of property owners on Park avenue to prevent the validation by the Appellate Division of the Supreme Court in the First Department of the Park avenue route of the rapid transit railway where the same has deviated from the route originally authorized.

You are already familiar with this subject, and I need only state generally the more important features of the situation which now confronts the City and as to which your action is requested.

The rapid transit railway, as, of course, you know, was constructed in a part of Park avenue, between Thirty-sixth and Forty-second streets, outside of the easterly line of the legally authorized route.

Of the fact of the deviation there is no question, nor is there any question that such deviation is entirely illegal.

An attempt having been made by application to the Appellate Division to validate and legalize this deviation, that Court, after taking appropriate proceedings for its enlightenment, decided that it would only consent to the relief asked for, and the validation of the present illegal portion of the route, upon condition that the property owners injured by the physical consequences of this deviation should be compensated for the injury in the amounts specified in the report of Hon. Alton B. Parker, who

had been appointed referee to ascertain the amount of such damage, together with certain costs and allowances, and further stated that it would refuse to grant the order asked for unless this compensation was made.

The situation arising from these facts and which confronts the City was and is one of extreme difficulty.

On the one hand, there is no question whatever that the City is not legally liable for the consequences of the unauthorized acts of the Rapid Transit Commissioners, their agents, their contractors or subcontractors. On the other hand, it is quite clear that the City should adopt every means possible to prevent the interruption of the rapid transit railway.

A consideration of the entire subject has convinced me that the expense of paying these damages, which has been made by the Appellate Division a condition precedent to its granting the order validating the deviation of the route, being necessary to the legal operation of the subway, is one which might be paid by the City, just as much as any other work necessary for the construction or extension of the rapid transit railway might be so paid.

Conferences have been had between the City officials, the Interborough Rapid Transit Company, now operating the road, and also the property owners, and an informal joint agreement has been reached which is the only means apparently of dealing with the situation arising from the attitude taken by the Appellate Division.

The agreement briefly is this:

The City is to pay the damages found by the report of Hon. Alton B. Parker, referee, which amounts to \$199,630.18, together with the costs and allowances granted by the Appellate Division upon the coming in of that report.

The property owners have agreed to take the amounts allotted to them, together with the costs and allowances in 4 per cent. bonds of The City of New York, and have further agreed that said bonds shall be held by them for six months before being disposed of. The purposes of this last provision is that these bonds shall not be thrown upon the market at this time.

Upon these terms the property owners are to give their consents to the validation of the deviation of the route and consent to the entry of an order to that effect.

The operating company, the Interborough Rapid Transit Company, has agreed that if this is done it will enter into an agreement making the amounts paid subject to the terms of the original contract, and to the same effect and intent as if they had been included therein, treating the moneys paid as part of the moneys expended for the purpose of construction.

The appropriate procedure would seem to be that the matter should be presented to your Board, and, if favorably considered by it, that your Board should certify these expenses, composed of the amounts above mentioned, as part of the expense of the construction of the rapid transit railway, to be paid in the manner indicated.

The amounts to be paid are as follows: Awards, \$199,630.18; costs, \$642.75, and allowances, \$4,552.25, making a total of \$204,825.18.

I therefore write to ask you to take appropriate action in the premises, and if you pass favorably upon the general plan I shall be very glad to confer with your Board, or its Counsel, as to the details of carrying out the proposed scheme.

Respectfully yours,

(Signed) F. K. PENDLETON, Corporation Counsel.

(6)

3040

The Secretary presented a communication from the Board of Estimate and Apportionment, transmitting the following resolution, adopted on January 31, 1908, requesting this Commission to determine whether Two Hundred and Thirty-fourth street should pass over, under or at grade of the tracks of the New York and Putnam Railroad Company, which was referred to the Counsel to the Commission:

Whereas, The Board of Estimate and Apportionment of The City of New York, by a resolution adopted on the 6th day of December, 1907, initiated proceedings in the name of The City of New York to acquire title for the use of the public to the lands, tenements and hereditaments required for the purpose of opening West Two Hundred and Thirty-fourth street, from Albany road to Kingsbridge avenue, in the Borough of The Bronx, City of New York; and

Whereas, The said West Two Hundred and Thirty-fourth street was proposed to be opened across the tracks of the New York and Putnam Branch of the New York Central and Hudson River Railroad Company; and

Whereas, In pursuance of section 61 of the Railroad Law, a notice was served on the railroad company and a hearing was had thereon before the Board of Estimate and Apportionment on the aforesaid date; and

Whereas, The resolution adopted by the said Board established a necessity that the said West Two Hundred and Thirty-fourth street shall cross the tracks of the New York Central and Hudson River Railroad as aforesaid; and

Whereas, Section 61 of the Railroad Law provided that application shall be made to the Board of Railroad Commissioners to determine whether West Two Hundred and Thirty-fourth street shall pass over or under said railroad or at grade; and

Whereas, By chapter 429 of the Laws of 1907, the Board of Railroad Commissioners has been abolished and all the powers and duties of said Board are devolved upon and are to be exercised and performed by the Public Service Commission;

Resolved, That The City of New York, acting by and through its Board of Estimate and Apportionment, and in pursuance of the said chapter 429 of the Laws of 1907 and section 61 of the Railroad Law, hereby makes application to the Public Service Commission for the First District to determine whether West Two Hundred and Thirty-fourth street shall pass over or under or at grade of the tracks of the said New York and Putnam Branch of the New York Central and Hudson River Railroad Company and also the grade of the street at the railroad, and requests that the said Public

Service Commission of the First District appoint a time and place for a hearing in relation thereto, and that a notice of the time and place of such a hearing be served upon the Secretary of the Board of Estimate and Apportionment; and be it further

Resolved, That the Board of Estimate and Apportionment recommends to the Public Service Commission that the present grade for the said street remain unchanged and that it shall pass over the tracks of the said New York Central and Hudson River Railroad, and also that the construction of the crossing be not ordered until such time as the Board of Estimate and Apportionment shall advise that it is necessary.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Estimate and Apportionment at a meeting of said Board, held on January 31, 1908.

(Signed) JOSEPH HAAG, Secretary.

(7)

2090

The Secretary presented the following communication from M. F. Loughman, Deputy Commissioner of the Department of Water Supply, Gas and Electricity, with regard to a change in the plans for subway construction in Centre street, in relation to the placing of the high pressure water main, which was referred to the Chief Engineer:

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY, }
COMMISSIONER'S OFFICE, NOS. 13 TO 21 PARK ROW. }
CITY OF NEW YORK, February 15, 1908.

HON. WILLIAM R. WILLCOX, *Chairman, Public Service Commission*, Tribune Building,
City:

DEAR SIR—At the request of the former Board of Rapid Transit Commissioners, this Department suspended work last August in the laying of the high pressure fire service main in Centre street. It was stated at that time that the placing of pipe would seriously interfere with subway construction.

The plan of this work, as originally outlined, would have made it possible to lay the pipe after the subway had been completed, and former Chief Engineer Rice's attention was called to this matter, and it was agreed that his plans would be altered and that a pipe gallery would be constructed, in which the high pressure distributing pipe would be placed later.

We have since learned that the plans again have been changed, that the pipe galleries originally provided for have been eliminated, and that no provision whatever has been made for sufficient space to accommodate our service main.

It is absolutely necessary that this pipe be put in position, if the Department is to give the proper fire protection to the buildings and residences in that street, and Commissioner O'Brien desires that I submit this matter to you for your early consideration, and that some arrangement be made by which sufficient space will be reserved for the purpose of this Department.

With the communication from the Secretary of your Board, dated October 1, 1907, the Department received a report from your Chief Engineer stating that certain

changes would be made in the design of the stations so that sufficient space would be left for our pipe line.

Copy of the plan of the work originally agreed upon by Mr. Rice of your Department is submitted in connection with this work.

Respectfully,

(Signed) M. F. LOUGHMAN, Deputy Commissioner.

(8)

3188

The Secretary presented a communication from Louis F. Haffen, President of the Borough of The Bronx, notifying the Commission that on February 13, the Local Boards of Morrisania, Crotona and Van Cortlandt, Borough of The Bronx, recommended to this Commission that the Interborough Rapid Transit Company be requested to place guard rails upon the platforms of its stations, to prevent passengers being thrown therefrom, and requesting immediate attention to the subject. The letter was referred to Commissioner Eustis.

(9)

2919

The Secretary presented a communication from the Board of Estimate and Apportionment, notifying the Commission that the hearing on the Lexington avenue, Gerard avenue and Canal street rapid transit routes had been continued to February 28, 1908, and had been referred to a Committee consisting of the Comptroller, the President of the Board of Aldermen, and the Presidents of the Boroughs of Manhattan and The Bronx. The letter was ordered filed.

(10)

2137

The Secretary stated that under date of November 6, 1907, the Comptroller addressed a communication to the Commission, transmitting, at the request of this Commission, a statement showing the interest payments and sinking fund payments; that this matter was referred to the Counsel to the Commission on November 15, and that he had submitted an opinion upon the matter of rentals and sinking fund payments. It was understood that the Chairman would address a communication on the subject to the Comptroller and the Corporation Counsel. The opinion of the Counsel to the Commission was as follows:

February 6, 1908.

Public Service Commission for the First District:

SIRS—I have the letter of the Acting Secretary of November 15 last, addressed to Mr. Blackmar, which is as follows:

"I herewith transmit a letter from the Department of Finance, under date of November 6, together with statements of Rapid Transit Railroad rentals.

The entire matter was referred to you to-day by the Committee of the Whole, with the understanding that a thorough investigation was to be made of this entire matter, and that if accountants were necessary the Commission would furnish them."

The contract of February 21, 1900 (Contract No. 1), under which the Interborough Rapid Transit Company is operating the Manhattan-Bronx subway, contains the following provision for rentals:

"The contractor shall pay to the City rental for the railroad, which rental shall consist of the following:

(1) An annual sum equal to the annual interest payable by the City upon all bonds which shall be issued by it in order to provide means for construction. The amount of such interest shall be ascertained as of the time when the railroad shall be declared by the Board to be ready for operation; but it shall be increased from time to time by the amount of the annual interest payable by the City for all bonds which, after the date when the railroad shall be so declared to be ready for operation, shall be issued in order to provide means for construction. The amount or amounts payable under this subdivision shall not be subject to decrease by reason of the refunding by the City at lower rates of interest of any of the bonds issued as aforesaid. Bonds issued in order to provide means for construction shall be deemed to include bonds issued to pay interest on bonds theretofore issued pursuant to this contract under the provisions of section 34 of the Rapid Transit Act; but shall not be deemed to include bonds issued to pay for rights, terms, easements, privileges or property other than lands acquired in fee.

(2) A further annual sum which shall be equal to one per centum upon the whole amount of the said bonds (with the exceptions above mentioned) except that the annual payment in excess of such interest shall, for each year during the period of five (5) years from the date at which the payment of rental shall begin, be such sum not exceeding such one (1) per centum as shall be equal to the excess of the profits of the contractor for such year in the operation of the railroad over five (5) per centum upon the capital of the contractor invested in the enterprise, and except, further, that for each year during a second and immediately succeeding period of five (5) years there shall, in lieu of such one per centum, be paid one-half ($\frac{1}{2}$) of such one (1) per centum, and in addition an amount not exceeding one-half ($\frac{1}{2}$) of such one (1) per centum which shall be equal to the excess of the profits of the contractor for such year in the operation of the railroad over five (5) per centum per annum upon its capital invested as aforesaid.

The rental shall begin as to each section with the date of the declaration of the Board that such section is ready for operation and shall be payable at the end of each quarter on the first days of January, April, July and October."

The rental provision of the contract of July 21, 1902 (Contract No. 2), under which the Interborough Rapid Transit Company is now operating part of the Brooklyn-Manhattan subway, is substantially similar to that quoted above.

The Manhattan-Bronx subway was opened for traffic on October 27, 1904, before it was finally completed, thus rendering necessary a modifying contract, which bears date November 3, 1904, to provide for a method of ascertaining the rental due upon

the part of the road actually constructed and under operation. The contract of February 21, 1900, contemplated the division of the subway for purposes of construction into four sections; Section I, extending from the City Hall to Fifty-ninth street; Section II, embracing all of the railroad on the west side north of Fifty-ninth street to One Hundred and Thirty-seventh street and boulevard and all of the railroad on the east side from One Hundred and Third street to the intersection of One Hundred and Thirty-fifth street and Lenox avenue; Section III, embracing all of the railroad on the west side north of One Hundred and Thirty-seventh street to Fort George, and all of the railroad on the east side from One Hundred and Thirty-fifth street to Melrose avenue; Section IV, embracing all of the railroad on the west side north of Fort George and all of the railroad on the east side north of Melrose avenue; and the contract price of \$35,000,000 was divided into separate amounts for each section; for Section I, being \$15,000,000; for Section II, \$11,000,000; for Section III, \$6,000,000; and for Section IV, \$3,000,000.

By the amendatory agreement of November 3, 1904, it was provided that the Interborough Company should pay the entire rental for Section I, which was then completed, based upon the sum of \$15,000,000 bid therefor, and for the other sections such proportion of the contract price for the entire section as the length of single track therein actually constructed should bear to the total length of single track contracted for in the entire section, together with the cost of all extra work.

An amendatory agreement, dated December 14, 1905, was also made to provide for the payment of the proportionate rental on Contract No. 2, due to the putting of certain parts of that road into operation prior to its entire completion. This agreement divided the road into sections, based upon the times at which they were put into operation, the first section being the portion which was opened on January 16, 1906, and extended from the northern terminus of the road to the Fulton street station; the second section, which was opened on June 12, 1905, being the portion of the railroad between Fulton and Rector streets; and the third section, which was opened on July 10, 1905, being the portion of the road from Rector street to South Ferry.

To fix a basis for the rental on these sections of Contract No. 2, an arbitrary figure representing the proportion of the cost of each section to the total contract price of the road was taken; that for Section I, being \$27,397.26; for Sections I and II, \$241,594.02; and for Sections I, II and III, \$525,529.26. For the portions of the road not in operation at the time of such modifying agreement, a provision was therein inserted, providing that as further portions of the railroad are permitted to be operated, if the same should constitute less than the entire railroad, the Interborough Company should pay rental for such portions of the railroad, to be ascertained in the same manner as that provided with respect to the portions then in operation. In order, therefore, to furnish a basis upon which the Interborough Company is to pay rental for the portion of the road lately opened from South Ferry to Borough Hall, it is

only necessary to determine the proportion of cost that such section bears to the total contract price. It will thus be seen that the method of computing rental for these two contracts differs, in that for Contract No. 1 the value of the work upon which rental is paid is subject to fluctuation, as more track is put into operation, while in Contract No. 2 the value of the work done is fixed at an arbitrary figure and the rental is paid upon the basis that that figure bears to the total contract price.

Since the beginning of operation, the practice has been for the Comptroller, toward the end of each quarter, to furnish the Chief Engineer of the Rapid Transit Board with a statement of the total number of bonds issued for the purposes of these contracts and the interest charges thereon, upon which the Chief Engineer computed the rental due according to the provisions of the modifying agreements. The following statements show the payments made under Contracts Nos. 1 and 2:

Contract No. 1.

Period.	Percentage of Road in Operation.	Interest Payable According to Statement of Chief Engineer.	Interest Paid According to Statement of Comptroller.	Date Paid.
To March 31, 1905.....	84.22	\$493,108 20	\$533,144 87	April 29, 1905
Quarter Ending—				
June 30, 1905.....	84.22	312,346 93	260,344 78	July 29, 1905
September 30, 1905.....	89.08	332,523 50	344,488 98	Oct. 30, 1905
December 31, 1905.....	89.08	334,257 55	334,257 55	Jan. 31, 1906
March 31, 1906.....	98.76	341,816 27	341,816 27	April 30, 1906
June 30, 1906.....	98.76	370,186 22	370,186 22	July 30, 1906
September 30, 1906.....	98.76	370,086 54	370,086 54	Oct. 30, 1906
December 31, 1906.....	98.76	369,926 18	369,926 18	Jan. 30, 1906
March 31, 1907.....	98.77	371,436 97	371,436 97	April 29, 1907
June 30, 1907.....	99.32	371,800 72	371,800 72	July 30, 1907
September 30, 1907.....	97.97	369,289 00	369,289 00	Oct. 31, 1907
Total.....		\$4,036,778 08	\$4,036,778 08	

For some reason the first three payments were made in different amounts from those found by the Chief Engineer, but the totals are the same, the difference probably being due to the credit of accrued interest on the deposit of one million dollars held by the Comptroller.

Contract No. 2.

Period.	Percentage of Road in Operation.	Interest Payable According to Statement of Chief Engineer.	Interest Paid According to Statement of Comptroller.	Date Paid.
To January 1, 1906.....	25.695	\$9,783 05	\$9,783 48	April 11, 1906
Quarter Ending—				
April 1, 1906.....	24.760	4,598 18	4,598 17	April 30, 1906
July 1, 1906.....	23.652	4,598 18	4,598 17	July 30, 1906

Period.	Percentage of Road in Operation.	Interest Payable According to Statement of Chief Engineer.	Interest Paid According to Statement of Comptroller.	Date Paid.
Quarter Ending—				
October 1, 1906.....	22.871	4,740 05	4,740 05	Oct. 30, 1906
January 1, 1907.....	22.871	4,740 05	4,740 05	Jan. 30, 1907
April 1, 1907.....	20.364	4,740 05	4,740 05	April 29, 1907
July 1, 1907.....	20.251	4,747 94	4,747 94	July 30, 1907
October 1, 1907.....	20.460	4,748 05	4,748 05	Oct. 31, 1907
Total.....		\$42,695 55	\$42,695 96	

The variation in the percentage of work completed under Contract No. 2 is due to the addition at various times of payments for extra work and real estate on the uncompleted portions.

It is to be noted that all these payments both on Contract No. 1 and Contract No. 2 are tentative and subject to readjustment, but that such readjustment cannot take place until the total cost of the roads can be determined. In the case of Contract No. 1, a definite figure can probably be reached on the completion of the pending arbitration proceeding.

The matter of the Sinking Fund payment has been taken care of by the Comptroller without the co-operation of the Rapid Transit Board or its Chief Engineer, as was the case with the interest payments.

It appears from the Comptroller's statement enclosed with his letter to the Chairman, that the following Sinking Fund payments have been made:

Contract No. 1.

		Date Paid.	Amount Paid.
From October 31, 1904, to October 31, 1905....	\$384,576 79	May 25, 1906	\$384,576 79
From October 31, 1905, to October 31, 1906....	425,799 78	Dec. 7, 1906	425,799 78
Total Sinking Fund payments.....	\$810,376 57		\$810,376 57

Contract No. 2.

		Date Paid.	Amount Paid.
From opening of Subdivision No. 1, January 16, 1905; Subdivision No. 2, June 12, 1905; Subdivision No. 3, July 10, 1905; Sinking Fund charges	\$5,255 29	Dec. 7, 1906	\$5,255 29

I am informed that at the time of the first Sinking Fund payment the claim was made by the Interborough Company that the amount of its profits from the operation of the road was such that under the terms of the contract it was entitled to a deduction from the full 1 per cent. payment, but this claim was after some discussion abandoned and the full Sinking Fund payment was made. In this connection I desire to call the attention of the Commission to the fact that Contract Nos. 1 and 2 provide that the rental, which includes both interest and Sinking Fund payments, shall be paid quarterly on the first days of January, April, July and October. It appears, however, from the Comptroller's statement that the payment of the interest charges is uniformly thirty days late and the Sinking Fund payment, instead of being made quarterly, is made annually. In the case of Contract No. 1, this deviation from the contract provisions must result in the loss of a substantial sum which the City might otherwise receive as interest on its deposits.

I return herewith the letter of the Comptroller of November 6 last, with its enclosures.

Respectfully yours,
(Signed) GEO. S. COLEMAN, Counsel to the Commission.

(11)

2885

The Secretary stated that the New York Dock Company had been asked to file records of inspection of locomotives used by them, that they had denied the jurisdiction of this Commission, and presented an opinion from George S. Coleman, Counsel to the Commission, holding that the New York Dock Company came within the jurisdiction of the Commission as to the inspection and testing of locomotive boilers.

(12)

2090

The Secretary presented a communication from the Chief Engineer, transmitting reports of Bion J. Arnold, of Chicago, and George A. Kimball, Chief Engineer of the Bureau of Subway and Elevated Construction, of Boston, both approving three per cent. as a maximum grade, and 14 feet 6 inches above top of rail as the minimum clearance, in subway construction. The papers were ordered filed, and were as follows:

February 14, 1908.

The Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—Pursuant to instructions of the Commission, authorizing me to obtain expert opinion of three prominent engineers as to the advisability of adopting 3 per cent. as a maximum grade on subways, and a distance of 14 feet 6 inches above top of rail as a minimum clearance, I wrote to Mr. Bion J. Arnold, of Chicago, and to Mr. George A. Kimball, Chief Engineer, Elevated and Subway Construction, Boston, Mass., and I enclose herewith copy of their reports.

Since these two gentlemen concur so fully with the standard adopted by this Commission, and since I consider that Mr. Kimball, especially because of his position,

has no equal as an authority upon this subject, I think it unnecessary to ask for further expert advice.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

January 15, 1908.

GEORGE A. KIMBALL, Esq., *Chief Engineer, Elevated Construction, Boston Elevated Railway, Boston, Mass.:*

(This same letter addressed January 15, 1908, to Bion J. Arnold, No. 314 Madison avenue.)

DEAR SIR—I am sending you, under separate cover, a sheet showing the height of cars operated by roads in the vicinity of New York City.

I am also forwarding you a blue print showing the location of railroad tunnels at intersections of proposed rapid transit routes in New York City, giving the distance from the top of tunnel to the surface of the street. Our proposed clearance of 14 feet 6 inches above top of rail will require 20 feet between the surface of the street and the top of any tunnel over which it crosses.

I have recommended to the Public Service Commission for the First District that grades on the proposed subway be limited to a maximum of 3 per cent. instead of 5 per cent., as previously planned. I have found that this can be done without material increase in cost of construction, and although it will necessitate the acquirement of additional property in one restricted locality, such a condition is exceptional and would rarely be encountered in future work. I have also recommended that the minimum clearance above top of rail be placed at 14 feet 6 inches, instead of 13 feet 6 inches, as formerly planned, and instead of 12 feet 6 inches, as previously adopted for subways now in operation.

I attach hereto an estimate of cost of the proposed Fourth avenue subway, in the Borough of Brooklyn, with a clearance of 13 feet 6 inches and of 14 feet 6 inches above top of rail, showing an increase of considerably less than 5 per cent. for the cost of the latter over the former plan. I also send you a blue print of this Fourth avenue route and a general cross-section of the proposed subway.

In this connection I would point out that the large bridges crossing the East River are connected with subways with $4\frac{1}{2}$ per cent. and $5\frac{1}{2}$ per cent. grades; but I expect, as the traffic facilities of the city more fully develop, that the bridges will be used for surface and elevated cars, and that the subways will naturally be connected by tunnels under the river through which the grades may be limited to 3 per cent.

I will ask you to kindly advise if you think a restriction of grades to a maximum of 3 per cent. is wise; if the increase in headroom to 14 feet 6 inches is advisable, and if you prefer other grades or other clearances, will you kindly state what you think they should be?

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

BION J. ARNOLD,
 No. 181 LA SALLE STREET, CHICAGO; No. 314 MADISON AVENUE, NEW YORK, }
 January 19, 1908.

HENRY B. SEAMAN, *Chief Engineer, Public Service Commission for the First District,*
 Tribune Building, New York:

DEAR SIR—Answering your letter of the 15th inst., I beg leave to state that I have given it careful consideration and am of the opinion that the advantages to be gained by increasing the size of future subways so as to give a clearance of 14 feet 6 inches above the top of rail, are well worth the slight difference given by you in the cost of their construction, assuming, of course, that you will always be able to find or create room for the increased size over existing tunnels.

I am also of the opinion that the grades should always be as low as practicable, and therefore concur in your reduction of the maximum grade from 5 per cent. to 3 per cent.

Inasmuch as the clearance recommended by you seems large enough to take any standard suburban car operating in the vicinity of New York, I do not believe it necessary to increase the size of tunnels so as to give more than 14 feet 6 inches above top of rail.

Yours very truly,
 (Signed) BION J. ARNOLD.

BUREAU OF ELEVATED AND SUBWAY CONSTRUCTION, }
 OFFICE OF CHIEF ENGINEER,
 No. 101 MILK STREET,
 BOSTON, MASS., February 13, 1908. }

Mr. HENRY B. SEAMAN, *Chief Engineer, Public Service Commission for the First District,* No. 154 Nassau Street, New York, N. Y.:

DEAR SIR—Your letter of January 15, requesting my opinion in regard to the maximum grade and headroom which it is advisable to use in future subways in New York, is received. In your office on January 15 last I examined the plans of the same, and have carefully examined the data accompanying your letter.

I endorse and approve the reduction of the maximum grade in your subways from 5 per cent. to 3 per cent., and the increase of headroom from 13½ feet to 14½ feet for the following reasons:

The introduction of a 5 per cent. grade in a subway which is designed for a large traffic will materially reduce its capacity, as it is not safe to run trains at frequent intervals on such grades; and I think you would be justified in spending a large additional sum of money to reduce the grade from 5 per cent. to 3 per cent.

The expense for power, etc., for daily operation is greater over a 5 per cent. grade than over a 3 per cent. grade. The steeper grades necessarily reduce the speed.

We are operating trains over 5 per cent. grades in our Boston subway, which were adopted because they were absolutely necessary; however, we find that they seriously affect the capacity of our subway, as it is impracticable to allow more

than one train at a time on such steep grades. They are also a menace to the safety of passengers from the fact that, if a train or car becomes uncontrollable, a serious accident is likely to occur.

In regard to your proposed headroom of 14½ feet, this headroom is advisable under the circumstances, and I think you are justified in increasing the cost of the subway 5 per cent. in order to obtain 1 foot of extra headroom. With this increased headroom, the proposed subways will be of such dimensions as to allow the running of cars used by other corporations, therefore broadening their use in the future, which may be an important financial consideration to The City of New York in making leases of the subway.

The tendency at the present time is to increase the size of cars, which is a very important factor in a congested city like New York, as the running of larger cars will increase the capacity of the subway. The cost of labor in the operation of the subway will be less with larger cars, as more passengers can be carried by the same crew of men. A large car can be better ventilated than a smaller one, and in many ways is more attractive and convenient for the traveling public. In our new designs for subways, we are providing for the use of cars 10 feet wide and 70 feet long, although our present cars are 8½ feet wide and 50 feet long.

In building public subways in large cities, it is very important that the size of the same be made ample for present and future requirements; to enlarge them in the future is impracticable.

Very truly yours,

(Signed) GEORGE A. KIMBALL, Chief Engineer.

(13)

1283

The Secretary stated that under date of January 21, Hollender & Co., Nos. 123 to 127 Lafayette street, had stated that the canopy to the entrance of the subway in front of their building, at No. 245 Canal street, interfered with the entrance of their wagons, and asking to be informed as to whether the canopy could not in part be removed; that, under date of February 13, the Chairman had replied thereto, pointing out that the building had been erected and the entrance placed after the completion of the subway, that it would not be in the interest of the public to alter the canopy; that the only thing that could be done would be to reconstruct the entrance, which would be out of the question, unless they wished to have it done at their expense; further pointing out that an examination of the premises showed that the building could be connected with another entrance on Lafayette street, thus leaving an unobstructed passage for teams.

(14)

2137

The Secretary presented a report showing the accidents happening upon railroads and street railroads subject to the jurisdiction of the Public Service Commission for the First District, during the month of January, 1908, as follows:

Car collisions	170
Persons and vehicles struck by cars.....	934

Boarding	479
Alighting	416
Contact with electricity.....	34
Other accidents	1,888
Total	3,921

Of the above, the following were injuries to persons:

To passengers	1,444
To persons not passengers.....	570
To employees	486
Total.....	2,500

Of these, the following were serious injuries:

Killed	44
Fractured skulls	15
Amputated limbs	6
Broken limbs	32
Other serious injuries.....	91
	188

The total number of accidents in December was 3,993 and total killed 51.

The report was ordered filed.

(15) 3082

On motion, duly seconded, it was

Resolved, That the following appointment be made from the Civil Service list:

Name.	Position.	Salary.	To Take Effect.
Ellwood T. Baker.....	Accountant.....	\$200 per month	Feb. 17, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(16) O-264

The Secretary presented a communication from the counsel for the Union Railway Company requesting an extension of ten days in the time for filing an answer to Order No. 237 in regard to extending the Boscobel avenue line to Washington Bridge.

Commissioner Eustis thereupon moved the adoption of the following order, which was duly seconded:

EXTENSION ORDER (No. 264).

Francis P. Kenney, as president of the
High Bridge Taxpayers' Alliance,
Complainant,

against
Union Railway Company,
Defendant.

An order of the Commission, No. 237, having been made herein on or about the 4th day of February, 1908, ordering and directing the Union Railway Company to answer the complaint herein within a time therein specified, and the said Union Railway Company having on the 15th day of February, 1908, applied in writing for an extension of such time,

Now, on motion, it is

Ordered, That the time of the Union Railway Company within which to answer said complaint be and the same hereby is extended to and including the 24th day of February, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(17)

O-265

Commissioner Bassett moved the adoption of the following order:

COMPLAINT ORDER (No. 265).

Joseph Cavanagh,
Complainant,

against
Long Island Railroad Company,
Defendant.

The order of the Commission, being Order No. 265, for satisfaction or answer within ten (10) days, as to service on the Thirty-fourth street ferry line, was approved, confirmed and ordered filed in the office of the Commission.

(18)

O-266

Commissioner Eustis moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 266).

In the Matter
of the

Hearing on the motion of the Commission
on the question of improvements in and
additions to the service and equipment
of the Interborough Rapid Transit Com-
pany, in the particulars hereinbelow
mentioned.

Sixth Avenue Elevated—Under Order for
Hearing No. 150, made December 11,
1907.

This matter coming on upon the report of the hearing had herein on the 23d day of December, 1907, and the adjournments thereof, and it appearing that the said hear-

ing was held by and pursuant to an order of this Commission, No. 150, made December 11, 1907, and returnable on the 23d day of December, 1907, and that the said order was duly served upon the Interborough Rapid Transit Company, and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on the 23d day of December, 1907, and by adjournment duly had on the 7th day of January, 1908, and by adjournment duly had on the 25th day of January, 1908, and by adjournment duly had on the 4th day of February, 1908, and at each of said sessions Mr. Commissioner Eustis presiding, and proof being taken, and Grosvenor H. Backus, Esq., Assistant Counsel, appearing for the Commission at each of said sessions, and Alfred A. Gardner, Esq., and Alfred E. Mudge, Esq., appearing for the said Interborough Rapid Transit Company:

Now, it being made to appear after the proceedings upon the said hearing that at or about the time of the issuing of said order of December 11, 1907, the said Interborough Rapid Transit Company added three six-car trains and four seven-car trains to its southbound service on its Sixth avenue line from Harlem, and added four seven-car trains to the northbound service on its Sixth avenue line to Harlem, and it appearing that as a result of such increase the service of the Interborough Rapid Transit Company, in the transportation of persons on its Sixth avenue line, in the First District, has been and is, at the points and at the times set forth, as follows:

Passing Fiftieth street, southbound—

7 to 7.30 a. m.:

Nine seven-car trains from Harlem.

Six five-car trains from Fifty-eighth street.

7.30 to 8 a. m.:

Eleven seven-car trains from Harlem.

Three six-car trains from Harlem.

Four five-car trains from Fifty-eighth street.

8 to 8.30 a. m.:

Eleven seven-car trains from Harlem.

Six five-car trains from Fifty-eighth street.

8.30 to 9 a. m.:

Ten seven-car trains from Harlem.

Five five-car trains from Fifty-eighth street.

Passing Fiftieth street, northbound—

4.30 to 5 p. m.:

Nine seven-car trains to Harlem.

Six five-car trains to Fifty-eighth street.

5 to 5.30 p. m.:

Eleven seven-car trains to Harlem.

Four five-car trains to Fifty-eighth street.

5.30 to 6 p. m.:

Thirteen seven-car trains to Harlem.

Six five-car trains to Fifty-eighth street.

6 to 6.30 p. m.:

Fourteen seven-car trains to Harlem.

Five five-car trains to Fifty-eighth street.

6.30 to 7 p. m.:

Twelve seven-car trains to Harlem.

Five five-car trains to Fifty-eighth street.

Four one-car trains from Fiftieth street to Fifty-eighth street.

And it further appearing that it is just, reasonable and proper that said Interborough Rapid Transit Company should maintain said service on its Sixth avenue line as thus increased and supplemented, and that said increase of service is necessary reasonably to accommodate passenger traffic transported by said company or offered for transportation to it at the times hereinbefore specified.

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That said Interborough Rapid Transit Company operate its trains on its said Sixth avenue line with not fewer trains and not fewer cars on the routes and at the times hereinbefore specified in the schedule of its service as increased and supplemented; and it is further

Ordered, That this order shall take effect immediately and remain in force until modified by the further order of this Commission, without prejudice to the right of the Commission to issue any further order or orders for hearing upon any of the matters relating to this order; and it is further

Ordered, That within five days after the service of this order the said Interborough Rapid Transit Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(19)

O-267

Commissioner Bassett moved the adoption of the following order:

COMPLAINT ORDER (No. 267).

E. H. Gates, Complainant,

against

New York and Queens County Railway
Company, Defendant.

The order of the Commission, being Order No. 267, for satisfaction or answer within ten (10) days, as to the headway of cars of the New York and Queens County

Railway Company, was approved, confirmed and ordered filed in the office of the Commission.

(20)

O-268

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 268).

In the Matter
of

Improvements in and additions to equipment and appliances of the Coney Island and Brooklyn Railroad Company.

"Ten new car bodies."

An order of the Commission, No. 60, having been made herein on or about the 30th day of October, 1907, requiring the Coney Island and Brooklyn Railroad Company to provide ten new car bodies for use on its Smith street line on or about the 1st day of February, 1908, and said Coney Island and Brooklyn Railroad Company having, on or about the 17th day of February, 1908, applied in writing for an extension of such time; now, on motion, it is

Ordered, That the time of the Coney Island and Brooklyn Railroad Company within which to procure and put in operation the car bodies above mentioned be and the same hereby is extended to and including the 15th day of March, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

O-269

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 269).

In the Matter
of

Improvements in and additions to terminal facilities of the Brooklyn Union Elevated Railway Company at Cypress Hills Station.

"Transfer privileges at Richmond Hill."

An order of the Commission, No. 256, having been made herein on or about the 11th day of February, 1908, accepting the offer of the Brooklyn Union Elevated Railroad Company, the Brooklyn Heights Railroad Company and the Brooklyn, Queens County and Suburban Railroad Company to exchange transfers at Richmond Hill and at Ridgewood as a measure for diverting some traffic from the Cypress Hills terminal station until the completion of a new station at said point, and said order, No. 256, directing that its terms are to take effect within a time specified therein, and said

Brooklyn Union Elevated Railway Company having, on or about the 15th day of February, 1908, applied in writing for an extension of such time; now, on motion, it is

Ordered, That the time of the said Brooklyn Union Elevated Railroad Company within which to institute the transfer privileges above mentioned be and the same hereby is extended to and including the 22d day of February, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

O-270

The Secretary presented the following order for hearing, and it was moved and duly seconded that the same be adopted by the Commission:

HEARING ORDER (No. 270).

In the Matter

of

The hearing on the motion of the Commission on the question of improvement in and addition to the service of the Interborough Rapid Transit Company in respect to changes in cars now in use and in respect to type of car to be purchased for future use in the subway.

It is hereby

Ordered, That a hearing be had on the 4th day of March, 1908, at 11 o'clock in the forenoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices, equipment, appliances or service of the Interborough Rapid Transit Company in respect to transportation of persons in the First District, are unreasonable, improper or inadequate, and whether changes, improvements and additions thereto ought reasonably to be made in the manner below set forth in order to promote the security and convenience of the public or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether a change, addition and improvement in regulations, practices, equipment, appliances and service of said company as hereinafter set forth are such as will be just, reasonable, adequate and proper and ought reasonably to be made to accommodate the passenger traffic offered to it and to promote the convenience of the public, or in order to secure adequate service or facilities for the transportation of passengers, that is to say:

Whether the following changes, additions and regulations should be put into effect:

(1) Whether all cars now used by the Interborough Rapid Transit Company should be equipped with an additional side door or doors on each side, and to determine the manner of altering the construction of all cars now in use, with a view to facilitating the loading and unloading of passengers.

(2) Whether all cars purchased for future use by the Interborough Rapid Transit Company should be equipped with a side door or doors on each side, so arranged as to facilitate the loading and unloading of passengers.

And if any such regulations, changes, improvements and additions be found to be such as ought to be made, as aforesaid, then to determine the details of such changes, improvements and additions and to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further

Ordered, That the said Interborough Rapid Transit Company be given at least ten days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Eustis to take charge of the hearing.

(23)

O-271

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 271).

In the Matter
of

The hearing on the motion of the Commission on the question of additions, repairs and improvements required to the rolling stock, equipment, overhead trolley construction and feeder wire system of the Coney Island and Brooklyn Railroad Company, in the particulars hereinafter set forth.

It is hereby

Ordered, That a hearing be held on the 6th day of March, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment and appliances of the Coney Island and Brooklyn Railroad Company in respect of transportation of persons in the First District are unsafe, improper, and inadequate, and whether additions, repairs and improvements to the rolling stock, equipment, overhead trolley construction and feeder wire system of said company ought reasonably to be made, in order to promote the security and convenience of the public or employees, and in order to secure adequate service and facilities in the transportation of

passengers and property, and if such be found to be the fact, then to determine whether additions, repairs and improvements therein as hereinafter set forth are such as would be just, reasonable, safe, adequate and proper and ought reasonably to be made to promote such security and convenience of the public or employees and in order to secure adequate service and facilities for the transportation of passengers and property, that is to say:

All open and closed cars of said company should receive a thorough inspection, covering car body, motor and electric equipment, wiring and trucks. All defects should be carefully noted and the cars sent through the various shops for an overhauling, which, when complete, will place the cars in a first-class operating and practically new condition, and when so completed, said cars should thereafter be overhauled at periods which will insure the future up-keep and proper operation of equipment so as properly to serve the public.

The following should not be construed as detailed working specifications, but merely as illustrative of the intention of the Commission and the scope and meaning of this order.

Inspection—By a thorough inspection and general overhauling of the car body and its entire equipment, it is intended that each car should be placed over a pit, seats and trap doors removed and covers taken off to facilitate careful inspection of motors, which should be made by competent engineers and not by car-house employees.

Car Body—Where the car body must be completely repainted as well as revarnished, it should be sent first through the carpenter shop to have all the defects of the wood work repaired. Special care should be given to the inspection of all car bodies, covering frame, floor, moulding, stanchions, panels, roofs and hoods, and in every case where the wood work and other material is not in sound condition, such part should be replaced, strengthened and made practically new. All metal work pertaining to car bodies should be renewed if in a defective state and the various parts of platforms, doors, windows and roofs should be given the same careful renewal.

Headlights—All cars in service should be supplied with one incandescent headlight, located on each dash of the car. The headlight must be of a type which does not project in front of dash more than two (2) inches. All headlights should be overhauled and maintained in a fit condition with new reflectors where necessary, broken glass replaced and new lamps substituted for those below normal candle power.

Wheel Guards—All cars in service should be provided with proper "pick-up" wheel guards, of modern type, placed in front of the wheels at each end of the car.

Wiring—All means possible to improve and perfect wiring, hanging and placing of equipment appliances should be used and a universal system of wiring adopted.

Brasses—All brasses throughout the cars should be renewed. Armature and axle shafts and other bearing parts should be normal.

Commutators—All commutators should be turned and put in first-class condition and when abnormally worn should be renewed.

Field Coils and Armature Windings—These should be tested for insulation, and if found to be below normal, should be replaced with new ones. They should all be thoroughly cleaned and painted.

Controllers—Controllers should have all contacts and other parts renewed that show any indication of abnormal wear. Connections should be tightened and the controller thoroughly cleaned and painted.

Automatic Circuit Breakers—These should be tested and maintained operative for the proper load, corresponding to the motor capacity of the car.

Resistances—Resistances should be carefully tested and any section not up to the standard renewed, and a form of insulating hanger used so that the resistance will not be bolted directly to the bottom of the car when in line with the splash of the wheel. There should be sufficient space between the resistance and the car floor to prevent danger to the wood work of the car and also to increase insulation.

Trucks—All trucks should be thoroughly cleaned and lined. All broken, weak, sagging, twisted, worn or otherwise defective parts should be replaced with new ones and not merely repaired, except where defects are very slight, especially all springs should be renewed where the normal effectiveness has been lost.

Motor Suspension—All motor suspensions should be completely reconstructed, missing parts supplied, springs that have lost their normal effectiveness should be replaced and all adjustments properly made.

Brakes—All cars in service should be supplied with double chain multiplying power brakes, and all brake mechanisms should be given careful inspection and improvements made in the mechanism and form at present employed and the entire brake equipment should be maintained always in first-class operative condition.

Lightning Arresters and Cut-Outs—All open cars in service should be equipped with one modern lightning arrester outfit, properly connected and kept always in an operative condition, and all lightning arresters and cut-outs should be given most careful inspection and placed and maintained in first-class operative condition, and such sections of the line of the road which at the present time have insufficient protection should be supplied with lightning arresters.

Axle Gear Wheels, Armature Pinions and Car Wheels—These should in every instance be renewed where any indication is found of abnormal wear. All gears and pinions should be replaced where the teeth are worn down to less than one-sixteenth ($1/16$) of an inch on top, and gear cases should be maintained tight, so as to prevent as much as possible the lubricating grease from being thrown out.

Time—The company should be able to create facilities and organize a reconstruction department so as to pass each of its open car bodies and equipment through the shops for the overhauling and renewal as specified above, on or before April 15, 1908, and all closed car bodies and equipment should receive the same overhauling and renewal process before going into service for the season of 1908-1909.

Notice—When any car has been overhauled and prepared for service as above specified, notice of that fact in writing should be sent to the Commission in a form to be prescribed by it, stating the time and place where the car is to be tested, to the end that the Engineers of the Commission may attend.

"Run-in" Book—The company should provide a run-in book supplied with a carbon sheet and envelope, and this carbon sheet should be mailed to the Equipment and Inspection Bureau of the Commission daily.

Overhead Trolley Construction—The entire trolley wire system should be carefully inspected and every part showing excessive wear should be renewed. This refers particularly to the wires on curves, cross-overs and switches, also to the entrance to frogs, switches, section insulators, splicing cars, cross-overs and to points where the trolley joins any of the overhead appliances. All trolley wires should at all times be maintained at a proper tension, so as to prevent excessive sag between supports, and should be maintained at a uniform height above the track, where possible. All span wires, pull-offs and strain wires should be straightened and the slack taken up, and all wires must be immediately renewed which show corrosion, improper connections or any other imperfection.

Overhead Appliances—These should be carefully inspected, and where found lacking normal insulation or strength or otherwise defective, should be replaced or repaired. Double insulation between all live wires and poles should be made.

Feeder Wires—The entire feeder wire system should be carefully inspected, and all parts showing insufficient insulation or defective construction should be replaced or repaired.

Poles—Attention should be given to the cleaning and repainting of substantially all the poles throughout the company's system, and particularly to the replacing of deteriorated poles.

New Equipment—The company should be required to purchase ten (10) complete car equipments, each including two (2) 50 h. p. motors; ten (10) new trucks of satisfactory design adapted to carry such motors; and ten (10) new trucks of like design and adapted to the future substitution of axles suitable for the motors above required, but to be now supplied with axles for mounting the present equipment.

And if it be found that any such improvements, repairs and additions are such as ought to be made or furnished as aforesaid, then to determine what period would be a reasonable time within which the same should be directed to be executed and in what manner execution of the same should be directed to be made.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable, and it is further

Ordered, That the Coney Island and Brooklyn Railroad Company be given at least ten (10) days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing it be afforded all reasonable

opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to take charge of the hearing.

(24)

O-272

Commissioner Bassett moved the following order:

COMPLAINT ORDER (No. 272).

In the Matter
of the
Complaint of E. Alexander Williams,
Stephen K. Barrera, David H. Bailey
and one hundred and ninety-seven (197)
others.

Complainants,
against
South Brooklyn Railway Company,
Defendant.

The order of the Commission, being Order No. 272, for satisfaction or answer within ten (10) days, as to extension of service on right-of-way of the New York and Coney Island Railroad Company to West Thirty-seventh street, was approved, confirmed and ordered filed in the office of the Commission.

(25)

O-273

Commissioner Bassett presented the following opinion and order:

In the Matter
of the
Application of the Coney Island and
Brooklyn Railroad Company for the
approval of the issue of car trust
bonds of the par value of \$30,000.

OPINION.

The company was required by an order of the Commission to obtain ten new cars, with trucks and motors, complete, for use on its Smith street line. These cars are now practically ready for use, and will cost, so the officials of the company testify, \$43,000. Our expert estimates them to cost not less than \$36,000. The company has certain four per cent. bonds prepared, and would sell some of these to raise the money to pay, but present market conditions prevent. It has not sufficient funds to pay for the cars, although it has a considerable amount of cash on hand, which has been raised by a special issue of stock, but its use is restricted to the erection of a new power plant. It therefore proposes to have the Brooklyn Trust Company act as trustee, under an agreement for the purchase by said trustee of the new cars. The company will then prepare and issue \$30,000 of six per cent. gold car trust bonds, in denominations of \$1,000 each, the interest being payable semi-annually and the

principal in five annual installments of \$6,000 each, beginning August 1, 1910. The Brooklyn Trust Company will remain trustee for the bondholders. The contract entered into between the company and the trustee provides that the trustee shall sell the bonds at not less than par, and out of the proceeds pay \$30,000 of the cost price of the cars. A provision is inserted in said contract that the payments as heretofore stated to be made by the company to the trustee shall be considered rent. When, however, the entire amount of \$30,000 principal and the interest thereon has been paid by the company to the trustee the title of the ten cars will vest in the company. The contract further provides that the cars shall be marked "Brooklyn Trust Company, Lessor," and arranges a method of substitution in case of their destruction while in the possession of the operating company. In case the company shall make default in payments or fail to keep the cars in good serviceable condition, or to perform any of the other covenants in the contract contained, then the trustee may declare the agreement terminated and all installments of rent shall become due and payable, and the trustee may enter upon the premises of the railroad and retake the said cars.

It will be seen that the proposed bonds do not constitute a lien upon the assets of the company, nor are they secured by any mortgage thereon. They refer to these ten cars only. It is true that in case of default the bondholders could take and sell the cars and hold the company responsible for any deficiency. This method amounts to the purchase of the cars on the installment plan, and entitles the company to the cars on the completion of the payment of all installments and interest. The bond issue is for less than the cost of the cars, and the company will pay the balance for the cars from its earnings.

Under the circumstances I am of the opinion that it is right to consent to this bond issue. If the bonds sell for more than par the proceeds should go to the applicant company and not to the trustee. In granting this consent the Commission does not pass upon the amount paid by the company for these ten cars above \$30,000. It is to be assumed that the company pays a sufficient amount of its earnings to make up the total actual cost, and no more.

The applicant company has not yet fully complied with the requirements of this Commission in furnishing certified copies of its corporate and franchise papers. It offers as an excuse for this that their preparation and comparison involve more time than its officers at first thought would be necessary, and that they are preparing those not already furnished and will shortly file them in this office. I would consider that entire compliance with the Commission's order in this respect would be a necessary prerequisite to the granting of this consent if the bonds involved a lien on all or a substantial part of the company's property, but as the bonds affect only the ten new cars, which are badly needed for the public service, I recommend that this consent be granted without delay. My opinion is that the issue of these bonds for this purpose is reasonably requisite.

February 15, 1908.

(Signed)

E. M. BASSETT, Commissioner.

Commissioner Bassett thereupon moved the adoption of the following order, which was duly seconded:

ORDER (No. 273).

In the Matter
of

The application of the Coney Island and Brooklyn Railroad Company for the approval of an issue of bonds of the par value of \$30,000, to be issued for the purchase of ten (10) new cars.

This application of the Coney Island and Brooklyn Railroad Company for an order of this Commission, under section 55 of the Public Service Commissions Law, authorizing an issue of bonds by said company to the amount of \$30,000, the proceeds to be used toward the purchase of and payment for ten (10) new cars, estimated to cost \$43,000, as more fully set forth in the petition filed by the said company January 22, 1908, came on to be heard on the 6th day of February, 1908, at 2.30 o'clock in the afternoon, Mr. Commissioner Bassett presiding, upon the petition of said company filed as aforesaid for such order, verified the 22d day of January, 1908, pursuant to an order and resolution of this Commission adopted January 31, 1908, the same being Order No. 233, which appointed the 6th day of February, 1908, at 2.30 o'clock in the afternoon, at the office of the Commission, as the time and place of hearing said application, and further directed that the said company publish a notice of the time and place of such hearing in the "Brooklyn Daily Eagle" at least two days in succession before said hearing, and file proof of said publication with the Secretary of the Commission on or before the opening of such hearing.

The Coney Island and Brooklyn Railroad Company, at the opening of the said hearing, duly filed proof of the publication of said notice in the "Brooklyn Daily Eagle" aforesaid, in accordance with said order for hearing, and the following appearances were noted: William N. Dykman, Esq., for the Coney Island and Brooklyn Railroad Company, said petitioner, and Oliver C. Semple, Esq., Assistant Counsel for the Commission.

Now, upon the petition and the evidence, arguments of counsel and the report of Mr. Commissioner Bassett, it appearing to the Commission after said hearing that the said applicant, Coney Island and Brooklyn Railroad Company, has ordered ten (10) new car bodies, each with double fifty horsepower equipment, complete, and each with new trucks, for use on its Smith street line, at an estimated cost and of the value of \$43,000, to meet an increase of service and equipment ordered by this Commission by an Order No. 60, issued October 30, 1907, and that said company asks leave to issue and sell at par its bonds to the amount of \$30,000, at 6 per cent. interest semi-annually, the principal payable in five installments of \$6,000 each, the first of said installments payable August 1, 1910, and like installments annually thereafter, the proceeds of said bonds to be used toward payment for the cars aforesaid under a proposed car trust agreement between said Coney Island and Brooklyn Railroad Company and the Brooklyn Trust Company, as trustee, by the terms of

which, among other things, it is provided that the title to the said cars is to remain in the trustee until the last installment of the principal sum of the said \$30,000 shall have been paid to the trustee, and it further so appearing and it being now the opinion of the Commission that the use of the capital to be secured by the issue of the said bonds is reasonably required for the acquisition of said property and the improvement of the facilities of the said company and for the improvement and maintenance of its service; therefore it is

Ordered, That the said issue of bonds of and by the Coney Island and Brooklyn Railroad Company, in the amount of \$30,000, be and the same hereby is authorized, the same to draw 6 per cent. interest and be payable in annual installments of \$6,000 each on August 1, 1910; August 1, 1911; August 1, 1912; August 1, 1913, and August 1, 1914, the said bonds to be sold at not less than par and the entire proceeds thereof to be used and applied to the purposes and in the manner following and not otherwise, to wit: toward payment for ten (10) new cars already ordered by the said company for use on its railroad and under the terms of a car trust agreement between said Coney Island and Brooklyn Railroad Company and the Brooklyn Trust Company, as trustee, said contract to be in substance as proposed in and made part of said application and annexed to said petition of said company filed herein.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(26)

O-231

The Secretary presented the answer of the New York Central and Hudson River Railroad Company to Order No. 231 of the Commission, on petition of John H. O'Brien, Commissioner of Water Supply, Gas and Electricity, with regard to placing electrical conductors underground within the limits of the city, and the opinion of the Counsel to the Commission with regard to the same.

On motion, duly seconded, the Secretary was directed to communicate with the Corporation Counsel, in accordance with this opinion, which was as follows:

February 17, 1908.

JOHN H. O'BRIEN, Commissioner, *vs.* NEW YORK CENTRAL.

Public Service Commission for the First District:

SIRS—I am in receipt of a letter from the Secretary bearing date February 14, with which is transmitted the answer of the New York Central and Hudson River Railroad Company to the complaint in this matter, with the request for my consideration and recommendation as to the same.

The complaint in this case has been prepared, after very long and careful consideration of the law and facts, by the Corporation Counsel's office, as I have been advised by Mr. Connolly of that office. It would seem to me, therefore, that the proper procedure for the Commission would be for its Secretary to advise the Corporation Counsel that the answer of the defendant has been filed, in pursuance

of the orders of the Commission, and that a copy of the same has been served upon the Corporation Counsel by the defendant in the case, and suggest that it would seem that the prosecution of the complaint before the Commission and further proceedings in the case should be under the charge of the Corporation Counsel and that the Commission would await such further action in the matter as that official may see fit to take.

Respectfully yours,
(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

(27) O-243

The Secretary stated that a communication had been received from the Union Railway Company, upon Final Order No. 243 of the Commission, complaint of George A. Denholm and George W. M. Clark, with regard to service on Jerome avenue beyond Woodlawn, notifying the Commission that the terms of the order were accepted and would be obeyed. The communication was ordered filed.

(28) O-238

The Secretary stated that a communication had been received from the Coney Island and Brooklyn Railroad Company, upon Final Order No. 238 of the Commission, with regard to open car bodies, notifying the Commission that the terms of the order were accepted and would be obeyed. The communication was ordered filed.

(29) O-239

The Secretary stated that a communication had been received from the Coney Island and Brooklyn Railroad Company, upon Final Order No. 239 of the Commission, with regard to the lubrication in gear cases, notifying the Commission that the terms of the order were accepted and would be obeyed. The communication was ordered filed.

(30) 1495

The Secretary presented a communication from the Interborough Rapid Transit Company with regard to the progress in the matter of additional stairway facilities at Eighteenth street and Third avenue, stating that the proceeding to condemn the easements at this point was before the Commissioners of Appraisal appointed by the Court to determine the value of those easements, and that the prospects were that the hearing would be completed some time in March. The letter was ordered filed.

(31) 1127

At 2.30 p. m., the Commission, all members being present, gave a public hearing on the proposed terms and conditions of the contract for the construction of that portion of the proposed Fourth Avenue Rapid Transit Railroad, beginning on Ashland place, near Fulton street, and extending to a point on Fourth avenue, near Sackett street, in the Borough of Brooklyn. The Chairman stated that the Mayor of The City of New York had, in accordance with law, designated the New York

"Tribune" and New York "Times" for publication of notice of the hearing, that it had been duly advertised in said papers and in the CITY RECORD, and that affidavits of publication had been filed with the Secretary.

Daniel Moynahan, representing the Committee of One Hundred, stated that his organization had no objection to the form of the proposed contract.

There being no others who desired to speak upon the matter, the Chairman declared the hearing closed.

The Commissioners reassembled at 4 o'clock.

(32)

2092, 2093

The Secretary presented the following communication from the Counsel to the Commission:

February 18, 1908.

Public Service Commission for the First District:

SIRS—I have the letter of the Secretary of the 25th ult., transmitting the Chief Engineer's letter of the 23d ult. to the Commission, and copies of letters from the Cranford Company and the Degnon Contracting Company in relation to the proposed modifications of their contracts for the construction of Sections 9-0-2 and 9-0-3 of the Brooklyn loop lines, and in accordance with the request of the Commission I transmit herewith two proposed modifying contracts, one with the Cranford Company and the other with the Degnon Company, which have been approved as to form by the Corporation Counsel and which have been examined by the contractors and found satisfactory. As the Board of Estimate and Apportionment does not meet again until the 28th inst., it would probably save time to have these contracts first executed by the Commission and the contractors and their sureties, and then transmitted to the Board of Estimate and Apportionment for its approval.

In response to the request of the Chief Engineer contained in his letter of the 23d ult., a copy of which was transmitted with the Secretary's letter, for advice as to the right of the Commission without supplemental agreements to order the modifications contemplated on Sections 9-0-1, 9-0-4 and 9-0-5 of the Brooklyn loop lines under contract with the Bradley Contracting Company, I desire to advise the Commission that in my opinion it has the right under the contracts for this work to order the Bradley Contracting Company to complete the work in accordance with the modified plans.

The most far reaching changes are embraced within the limits of Sections 9-0-2 and 9-0-3, which will be covered by the modifying contracts with the Degnon and Cranford Companies, and it is not necessary for me to express any opinion as to the right of the Commission to order those changes without supplemental agreements. In the case of Sections 9-0-1, 9-0-4 and 9-0-5, the changes, as they have been explained to me by the Chief Engineer, are as follows:

Section 9-0-1—The head room is to be increased and the base of rail dropped to provide for this increase, from the south end of the section to the north end of

the station at about Park street. This would result in an increase in the work, which is permitted by the contract with the Bradley Company and for which it would be entitled to increased compensation, but this increase is at least partly offset by the flattening of the grade from the north end of the station at about Park street to the end of the section at or near Pearl street. The net result, therefore, of the changes on Section 9-0-1 will be an increase for which the contractor will be entitled to additional compensation.

Section 9-0-4—The head room of the tunnel is also to be increased about one foot, which will necessitate the dropping of the base of rail and slightly increased excavation along the portion of the section from about Mulberry street to Chrystie street, but this will be offset by raising the base of rail and lessening the amount of excavation from Broome street east to Mulberry street. The changes on this section, as in Section 9-0-1, will probably result in an increase of the work.

Section 9-0-5—The head room is here also to be increased one foot to make this section uniform with the other sections. There is also some slight drop in the base of rail along certain parts of this section, but that is more than offset by raising the height of rail from about Chrystie to Allen street. The most important modification lies within this section, in that the deep track contemplated from about Forsyth street to about Essex street is eliminated and that track put upon the same grade as the other track, resulting in a considerable decrease in the amount of excavation.

To sum up these changes, the head room throughout is increased one foot, giving the contractor extra work for which he is entitled to increased compensation and for which I cannot see that he has any cause for complaint. To provide for this increased head room, it would be necessary in certain parts to drop the base of rail, rendering a slight increase in excavation necessary, but this is at least partly offset by the flattening of grades and the raising of the structure. The greatest of these changes is along Delancey street, where the deep track is eliminated, saving the contractor a large amount of deep excavation.

The contracts all contain the uniform provision, as follows:

"The Board shall have the right, during the progress of the work, to amplify the plans, to add explanatory specifications and to furnish additional specifications and drawings. The Board shall also have the right by notice to the Contractor, to require additional work to be done or additional materials to be furnished, or both, or to require work or materials herein specified or provided for to be omitted; provided, however, that the amount of work and materials called for by this contract shall not be so increased or diminished as substantially to alter the general character or extent of the work proposed."

The purpose of this provision is two-fold: First, that the general character or extent of the work proposed cannot be increased in such measure as to impose upon

the contractor a work of such size as would be beyond his capacity to contract for in the first instance; and secondly, that the amount of work shall not be so decreased as to materially reduce or wipe out his profits. The contracts also contain other provisions allowing increases and deductions in the work contemplated, but they are summed up in the paragraph quoted above.

These changes, so far as they call for an increase, do not seem to me to give the contractor any cause for complaint, because they are not so great as to put an undue burden upon him and are to his benefit in that he is afforded an even greater profit. The decreases consist of flattening of grades which seem to me to be a mere detail of the general work and the elimination of the deep track in Delancey street. This is only one of four tracks in Delancey street, and the only difference in the work will be the raising of that track to the level of the other tracks and eliminating the excavation. I do not see upon what theory it can be claimed that this substantially alters the general character or extent of the work proposed. This track only runs from about Forsyth street, to Essex street, and the only change is that the contractor instead of putting it at one level puts it at another and higher level, making it unnecessary for him to do a small amount of difficult work.

I therefore desire to advise the Commission that in my opinion it has the right under the contract to order the Bradley Contracting Company to complete its work in accordance with the plans as modified, whether the Bradley Company consents to such changes or not. It has by the contracts entered into stipulations that the work may be increased or decreased subject to the sole limitation that it shall not be so increased or decreased as to substantially alter the general character or extent of the work proposed. The modifications, which in some cases increase the amount of work to be done and in other cases decrease it, and taking the three contracts as a whole, will probably lessen the entire price to be paid, do not seem to me to fall within that class, and are, therefore, such as the Commission may at any time order.

I return herewith the letter of the Chief Engineer of the 23d ult.

Respectfully yours,
(Signed) GEO. S. COLEMAN, Counsel to the Commission.

On motion, duly seconded, the following was thereupon adopted:

Resolved, That the Chairman and the Secretary be and they hereby are authorized and directed to execute and deliver an agreement in the form following, with the Degnon Contracting Company:

THE CITY OF NEW YORK, BY THE PUBLIC SERVICE COMMISSION FOR
THE FIRST DISTRICT, WITH DEGNON CONTRACTING COM-
PANY.

CONTRACT No. 9-0-2.

AGREEMENT

Modifying Contract for Construction of Section of Rapid Transit Railroad.

Dated 18th February, 1908.

MODIFICATION OF PLANS.

Agreement made this 18th day of February, in the year one thousand nine hundred and eight, between The City of New York (hereinafter called the "City") acting by the Public Service Commission for the First District (hereafter called the "Commission"), party of the first part, and Degnon Contracting Company, a corporation organized under the laws of the State of New Jersey (hereinafter called the "Contractor"), party of the second part, witnesseth:

Whereas, Heretofore and on or about the 27th day of April, 1907, the City, acting by the Board of Rapid Transit Railroad Commissioners for The City of New York, entered into a contract with the Contractor for the construction of a section of a proposed Rapid Transit Railroad in The City of New York, which section is known as Section 9-0-2 of the Brooklyn Loop Lines, and which contract is hereinafter called the "contract"; and

Whereas, The Contractor has given a certain bond as security for the performance of the said contract on its part, and upon such bond there are sureties as follows: United Surety Company, People's Surety Company of New York, Aetna Indemnity Company, Bankers' Surety Company and Title Guaranty and Surety Company; and

Whereas, The Commission has succeeded to all the powers and duties of the said Board of Rapid Transit Railroad Commissioners for The City of New York; and

Whereas, The contract provides that no change shall be made therein except by a written instrument duly authorized by said Board of Rapid Transit Railroad Commissioners for The City of New York, or its successors, and consented to by the Contractor and the sureties upon its said bond; and

Whereas, It is in the contract provided that the Contractor shall construct the railroad and the appurtenances thereof in accordance with the contract and the specifications therein contained and in accordance with the contract drawings made a part of the contract for the sum of two million nine hundred and fifty-two thousand dollars (\$2,952,000); and

Whereas, The contract in addition to providing for the construction of a rapid transit railroad and its appurtenances also contains an independent provision for the construction of pipe galleries and additional ducts along the line thereof at a cost of eighty-three thousand dollars (\$83,000) in addition to the price for railroad construction; and

Whereas, The contract and the contract drawings contemplate a subway structure not exceeding in height in the clear fourteen (14) feet from the base of the rail and less than fifteen (15) feet in width for each track, with heavy grades along certain parts of the line and in some places a double deck subway structure with a double deck station on Centre street, between Leonard and White streets, all as indicated on the said contract drawings; and

Whereas, the Contractor has proceeded with his work under the contract and has completed a substantial part of the excavation, but has not as yet excavated for the deep tracks, but has begun the rolling or fabrication of steel; and

Whereas, The parties hereto desire a modification of the contract to provide for a subway structure of increased size and the elimination of heavy grades and the double deck structure and double deck station, and a change in the location of the station, and an elimination of a part of the construction thereof, and the Contractor desires and the Commission approves the elimination of the pipe galleries and the cancellation of the contract therefor; and

Whereas, Such modifications involve work in addition to the work contemplated in the contract for which the Contractor is entitled to increased compensation, and also involve the omission of work which the Contractor is obligated to perform, and for such omission the City is entitled to a deduction from the contract price; now,

Therefore, In consideration of the premises and subject to the consents hereinafter prescribed,

It is agreed that the contract be and the same hereby is modified as follows:

By striking therefrom the part providing for the construction of pipe galleries and the cancellation of such part of the contract; the Contractor hereby relieving and releasing the City and the City hereby relieving and releasing the Contractor of and from any obligation thereunder.

The location of the station provided for in the contract shall be changed from Centre street, between Leonard and White streets, to Centre street at or near the intersection of Canal street, and the Contractor instead of constructing an entire station as contemplated in the contract shall be required to construct only such part of the station at Canal street as is within the limits of the section embraced within the contract, and the lines and grades of the tracks and the size and dimensions of the subway structure shall be changed and the railroad contemplated in the contract including the part of the station hereinbefore referred to shall be constructed under and in accordance with this agreement and the plans and drawings hereto annexed, which are eighteen (18) in number, bear date 28th January, 1908, are each countersigned by the Chief Engineer, are stamped with the seal of the Commission and bear the general titles "Public Service Commission for the First District. Proposed Changes of Contract 9-0-2," and are marked as follows:

Two (2) sheets "Plan and Profile;" four (4) sheets "Cross Section," and one (1) sheet "Ventilation Drawing;" and

"Public Service Commission for the First District. Proposed Changes of Contracts 9-0-2 and 9-0-3," and are marked as follows:

One (1) sheet "Station Construction, Roof and Foundation Plan;" one (1) sheet "Station Construction, Mezzanine Roof Plan;" four (4) sheets "Station Construction, Section;" one (1) sheet "Station Drawing, Plan at Mezzanine Level;" one (1) sheet "Station Drawing, Plan at Platform Level;" one (1) sheet "Station Drawing, Longitudinal Sections;" one (1) sheet "Station Drawing, Transverse Sections," and one (1) sheet "Ventilation Drawing."

The Contractor approves the foregoing changes, and in consideration thereof consents and agrees that the price for all work to be done under the contract and under this agreement shall be reduced to the sum of two million six hundred and twenty-five thousand dollars (\$2,625,000), and the time within which such work is required by the contract to be completed shall be the time prescribed in the contract plus any additional time to which the Contractor may be entitled less five months to be deducted therefrom.

The Contractor shall also be entitled to be paid for any steel already rolled or fabricated that may be rendered useless by the above changes, and any necessary expense or loss occasioned thereby. The amount of such allowance shall be the difference between the cost to the Contractor of the rolled or fabricated steel and the price for which it may sell the same, together with such necessary expense or loss incurred in connection with such rolling or fabrication. The amount of such allowance shall be determined by the Chief Engineer to the Commission in like manner as other claims of the Contractor as provided in the Contract, subject to review by arbitration as is also therein provided.

It is further agreed, that except as herein expressly modified, the contract shall remain unchanged and in full force and effect, as if the foregoing modifications were a part of the original contract.

Provided further, that this agreement shall take effect if and when and only when the following consents hereto shall be duly had, to wit:

The consents as subjoined of United Surety Company, People's Surety Company, Aetna Indemnity Company, Bankers' Surety Company and Title Guaranty and Surety Company.

As it will be necessary, in order to carry this agreement into effect, to vary the use of certain appropriations heretofore made for the purposes of the contract, and will render necessary the appropriation of additional amounts for the purchase of real estate in connection with the proposed new station at Canal street, it is further provided that in addition to the consents heretofore required, this agreement shall not take effect unless and until it shall have been approved by the Board of Estimate and Apportionment of The City of New York.

In witness whereof, this contract has been executed for The City of New York by the Public Service Commission for the First District, under and by a resolution

duly adopted by the Commission, and the seal of the Commission has been hereto affixed, and these presents signed by its Chairman and Secretary, and the said Degnon Contracting Company has caused its corporate seal to be hereto affixed and attested by its secretary, and these presents to be signed by its president, all on the day and year first above written.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

By

Chairman.

Attest:

Secretary.

DEGNON CONTRACTING COMPANY,

By

President.

Attest:

Secretary.

Approval by Corporation Counsel.

The foregoing contract is hereby approved as to form.

Dated New York, 18th February, 1908.

Corporation Counsel.

State of New York, County of New York, ss.:

On the day of February, 1908, before me personally appeared William R. Willcox and Travis H. Whitney, to me known and known to me to be the said William R. Willcox, the Chairman, and the said Travis H. Whitney, the Secretary, of the Public Service Commission for the First District; and the said William R. Willcox and Travis H. Whitney being by me duly sworn, did depose and say, each for himself and not the one for the other, the said William R. Willcox, that he resides in the Borough of Manhattan, in the City, County and State of New York, that he is the Chairman of the said Commission and that he subscribed his name to the foregoing contract by virtue of the authority thereof; and the said Travis H. Whitney, that he resides in the Borough of Brooklyn, County of Kings, in the City and State of New York, that he is the Secretary of the said Commission and that he subscribed his name thereto by like authority; and both the said William R. Willcox and Travis H. Whitney that they know the seal of the said Commission and that the same was affixed to the foregoing instrument by the authority of the said Commission and of a resolution duly adopted by the same.

State of New York, County of New York, ss.:

On this day of February, 1908, before me personally appeared

to me known, who, being by me first duly sworn, did depose and say:

That he resided in , in the State of ;
that he is president of the Degnon Contracting Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said contract was such corporate seal.

and that it was affixed thereto by order of the board of directors of said company, and that he signed his name thereto by like authority.

The undersigned, being the sureties of Degnon Contracting Company, the contractor above mentioned, upon its bond in the penalty of one hundred and fifty thousand dollars (\$150,000), hereby consent to the making of the foregoing instrument.

Dated New York, February , 1908.

UNITED SURETY COMPANY,

By

President.

Attest:

Secretary.

PEOPLE'S SURETY COMPANY,

By

President.

Attest:

Secretary.

AETNA INDEMNITY COMPANY,

By

President.

Attest:

Secretary.

BANKERS' SURETY COMPANY,

By

President.

Attest:

Secretary.

TITLE GUARANTY AND SURETY COMPANY,

By

President.

Attest:

Secretary.

State of New York, County of New York, ss.:

On this day of February, 1908, before me personally appeared , to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of ; that he is of the United Surety Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

State of New York, County of New York, ss.:

On this _____ day of February, 1908, before me personally appeared _____, to me known, who, being by me first duly sworn, did depose and say: That he resided in _____, in the State of _____; that he is _____ of the People's Surety Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

State of New York, County of New York. ss.:

On this day of February, 1908, before me personally appeared , to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of ; that he is of the Aetna Indemnity Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

State of New York, County of New York, ss.:

On this _____ day of February, 1908, before me personally appeared _____, to me known, who, being by me first duly sworn, did depose and say: That he resided in _____, in the State of _____; that he is _____ of the Bankers' Surety Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

State of New York, County of New York, ss.:

On this _____ day of February, 1908, before me personally appeared _____, to me known, who, being by me first duly sworn, did depose and say: That he resided in _____, in the State of _____; that he is _____ of the Title Guaranty and Surety Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company: that one of the seals affixed to said instrument was such corporate seal, and that it

was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

On motion, duly seconded, the following was adopted:

Resolved, That the Chairman and the Secretary be and they hereby are authorized and directed to execute and deliver an agreement in the form following with the Cranford Company:

THE CITY OF NEW YORK, BY THE PUBLIC SERVICE COMMISSION FOR
THE FIRST DISTRICT, WITH CRANFORD COMPANY.

CONTRACT No. 9-0-3.

AGREEMENT

Modifying Contract for Construction of Section of Rapid Transit Railroad.

Dated 18th February, 1908.

MODIFICATION OF PLANS.

Agreement, made this 18th day of February, in the year one thousand nine hundred and eight, between The City of New York (hereinafter called the "City") acting by the Public Service Commission for the First District (hereafter called the "Commission"), party of the first part, and Cranford Company, a corporation organized under the laws of the State of New Jersey (hereinafter called the "Contractor"), party of the second part, witnesseth:

Whereas, Heretofore and on or about the 27th day of May, 1907, the City, acting by the Board of Rapid Transit Railroad Commissioners for The City of New York, entered into a contract with the Contractor for the construction of a section of a proposed Rapid Transit Railroad in The City of New York, which section is known as Section 9-0-3 of the Brooklyn loop lines, and which contract is hereinafter called the "contract;" and

Whereas, The Contractor has given a certain bond as security for the performance of the said contract on its part, and upon such bond there are sureties as follows: Empire State Surety Company, Title Guaranty and Surety Company of Scranton, Pennsylvania, and People's Surety Company of New York; and

Whereas, The Commission has succeeded to all the powers and duties of the said Board of Rapid Transit Railroad Commissioners for The City of New York; and

Whereas, the contract provides that no change shall be made therein except by a written instrument duly authorized by said Board of Rapid Transit Railroad Commissioners for The City of New York, or its successors, and consented to by the Contractor and the sureties upon its said bond; and

Whereas, It is in the contract provided that the Contractor shall construct the railroad and the appurtenances thereof in accordance with the contract and the specifications therein contained and in accordance with the contract drawings made a part of the contract for the sum of two million one hundred and fifty thousand dollars (\$2,150,000); and

Whereas, The contract in addition to providing for the construction of a rapid transit railroad and its appurtenances also contains an independent provision for the construction of pipe galleries and additional ducts along the line thereof at a cost of sixty thousand dollars (\$60,000) in addition to the price for railroad construction; and

Whereas, The contract and the contract drawings contemplate a subway structure not exceeding in height in the clear fourteen (14) feet from the base of the rail and less than fifteen (15) feet in width for each track, with heavy grades along certain parts of the line and in some places a double deck subway structure with a double deck station on Centre street, between Leonard and White streets, all as indicated on the said contract drawings; and

Whereas, The Contractor has proceeded with his work under the contract and has completed a substantial part of the excavation, but has not as yet excavated for the deep tracks; and

Whereas, The parties hereto desire a modification of the contract to provide for a subway structure of increased size and the elimination of heavy grades and the double deck structure and double deck station, and a change in the location of the station, and an elimination of a part of the construction thereof, and the Contractor desires, and the Commission approves, the elimination of the pipe galleries and the cancellation of the contract therefor; and

Whereas, Such modifications involve work in addition to the work contemplated in the contract for which the Contractor is entitled to increased compensation, and also involve the omission of work which the Contractor is obligated to perform, and for such omission the City is entitled to a deduction from the contract price.

Now, therefore, in consideration of the premises and subject to the consents hereinafter prescribed,

It is agreed that the contract be and the same hereby is modified as follows:

By striking therefrom the part providing for the construction of pipe galleries and the cancellation of such part of the contract; the Contractor hereby relieving and releasing the City and the City hereby relieving and releasing the Contractor of and from any obligation thereunder.

The location of the station provided for in the contract shall be changed from Centre street, between Hester and Grand streets, to Centre street at or near the intersection of Canal street, and the Contractor instead of constructing an entire station as contemplated in the contract shall be required to construct only such part of the station at Canal street as is within the limits of the section embraced within

the contract, and the lines and grades of the tracks and the size and dimensions of the subway structure shall be changed and the railroad contemplated in the contract including the part of the station hereinbefore referred to shall be constructed under and in accordance with this agreement and the plans and drawings hereto annexed, which are seventeen (17) in number, bear date 28th January, 1908, are each countersigned by the Chief Engineer, are stamped with the seal of the Commission and bear the general titles "Public Service Commission for the First District, Proposed Changes of Contract 9-0-3," and are marked as follows:

One (1) sheet "Plan and Profile;" four (4) sheets "Cross Section," and one (1) sheet "Ventilation Drawing," and

"Public Service Commission for the First District. Proposed Changes of Contracts 9-0-2 and 9-0-3," and are marked as follows:

One (1) sheet "Station Construction, Roof and Foundation Plan;" one (1) sheet "Station Construction, Mezzanine Roof Plan;" four (4) sheets "Station Construction, Section;" one (1) sheet "Station Drawing, Plan at Mezzanine Level;" one (1) sheet "Station Drawing, Plan at Platform Level;" one (1) sheet "Station Drawing, Longitudinal Sections;" one (1) sheet "Station Drawing, Transverse Sections," and one (1) sheet "Ventilation Drawing."

The Contractor approves the foregoing changes, and in consideration thereof consents and agrees that the price for all work to be done under the contract and under this agreement shall be reduced to the sum of one million eight hundred and sixty thousand dollars (\$1,860,000), and further agrees that the time within which the work is to be completed shall be reduced by three months, provided that such three months shall be deducted from any extension of time it may be granted, if in excess of three months; but if such extension of time be for three months or less than three months, then the Contractor agrees to complete the work within the period of time prescribed in the contract.

It is further agreed, that except as herein expressly modified, the contract shall remain unchanged and in full force and effect, as if the foregoing modifications were a part of the original contract.

Provided, further, that this agreement shall take effect if and when and only when the following consents hereto shall be duly had, to wit:

The consents as subjoined of Empire State Surety Company, Title Guaranty and Surety Company of Scranton, Pennsylvania, and People's Surety Company of New York.

As it will be necessary in order to carry this agreement into effect to vary the use of certain appropriations heretofore made for the purposes of the contract, and will render necessary the appropriation of additional amounts for the purchase of real estate in connection with the proposed new station at Canal street, it is further provided that in addition to the consents heretofore required, this agreement shall not

take effect unless and until it shall have been approved by the Board of Estimate and Apportionment of The City of New York.

In witness whereof, this contract has been executed for The City of New York by the Public Service Commission for the First District, under and by a resolution duly adopted by the Commission, and the seal of the Commission has been hereto affixed, and these presents signed by its Chairman and Secretary, and the said Cranford Company has caused its corporate seal to be hereto affixed and attested by its Secretary, and these presents to be signed by its President, all on the day and year first above written.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

By

Chairman.

Attest :

Secretary.

CRANFORD COMPANY.

By

President.

Attest :

Secretary.

APPROVAL BY CORPORATION COUNSEL.

The foregoing contract is hereby approved as to form.

Dated New York, 18th February, 1908.

Corporation Counsel.

State of New York, County of New York, ss.:

On the day of February, 1908, before me personally appeared William R. Willcox and Travis H. Whitney, to me known and known to me to be the said William R. Willcox, the Chairman, and the said Travis H. Whitney, the Secretary of the Public Service Commission for the First District; and the said William R. Willcox and Travis H. Whitney being by me duly sworn, did depose and say, each for himself and not the one for the other, the said William R. Willcox, that he resides in the Borough of Manhattan, in the City, County and State of New York, that he is the Chairman of the said Commission and that he subscribed his name to the foregoing contract by virtue of the authority thereof; and the said Travis H. Whitney, that he resides in the Borough of Brooklyn, County of Kings, in the City and State of New York, that he is the Secretary of the said Commission and that he subscribed his name thereto by like authority; and both the said William R. Willcox and Travis H. Whitney that they know the seal of the said Commission and that the same was affixed to the foregoing instrument by the authority of the said Commission and of a resolution duly adopted by the same.

State of New York, County of New York, ss.:

[illegible]

that he is President of the Cranford Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said contract was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

The undersigned, being the sureties of Cranford Company, the contractor above mentioned, upon its bond in the penalty of one hundred and fifty thousand dollars (\$150,000), hereby consent to the making of the foregoing instrument.

Dated, New York, February, 1908.

THE EMPIRE STATE SURETY COMPANY,

Attest: By President.
Secretary.

TITLE GUARANTY AND SURETY COMPANY OF SCRANTON, PA.,

Attest: By President.
Secretary.

PEOPLE'S SURETY COMPANY OF NEW YORK,

Attest: By President.
Secretary.

State of New York, County of New York, ss.:

On this day of February, 1908, before me personally appeared , to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of ; that he is of the Empire State Surety Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

State of New York, County of New York, ss.:

On this day of February, 1908, before me personally appeared , to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of ; that he is of the Title Guaranty and Surety Company of Scranton, Pa., the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

State of New York, County of New York, ss.:

On this day of February, 1908, before me personally appeared , to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of . that he is of the People's Surety Company of New York, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

THURSDAY, FEBRUARY 20, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, John E. Eustis.

(1)

Commissioner Eustis presented a form of contract approved by the Counsel to the Commission for the sale by the Rossiter Realty Company to The City of New York of property situated on the southwest corner of Walker and Centre streets, known as Nos. 145, 147 and 149 Centre street and Nos. 105, 107 and 109 Walker street, in The City of New York, Borough of Manhattan. On motion, duly seconded, it was

Resolved, That the Chairman and Secretary be authorized to execute the said contract and that the Counsel be authorized to have the title to the property examined and insured by the Lawyers' Title Company.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(2)

The Secretary presented a communication from the Counsel to the Commission transmitting the form of a communication to the Senate of the State of New York upon the matter of the Steinway tunnel. A motion was made and duly seconded that the Chairman be authorized to sign and transmit the said communication.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(14)

[Form 2003]

[I M (B)]

The communication from the Counsel with the form of communication to the Senate and the report referred to therein were as follows:

February 20, 1908.

Public Service Commission for the First District:

SIRS—In the matter of the resolution of the Senate, dated February 5, 1908, concurred in by the Assembly February 12, received by the Commission February 14, requesting information as to what steps the Commission has taken towards the speedy operation of the Steinway tunnel, and any other information received by the Commission in connection therewith; the said resolution being referred by the Commission, February 14, to Commissioner Maltbie for preparation of reply, and by him referred to me, orally, February 15, for a report, I transmit herewith a proposed form of reply.

I transmit also a copy of the report entitled "The Steinway Tunnel," mentioned in the proposed reply, a copy of which report should be sent with the letter.

I return herewith the copy of the said resolution transmitted to me February 15, 1908.

Respectfully yours,
(Signed) GEO. S. COLEMAN, Counsel to the Commission.

NEW YORK, February 19, 1908.

To the Honorable, the Senate of the State of New York:

The Public Service Commission for the First District respectfully submits herewith its reply to the resolution of the Senate, dated February 5, 1908, concurred in by the Assembly February 12, 1908, received by the Commission February 14, 1908, requesting information as to what steps the Commission has taken towards the speedy operation of the Steinway Tunnel, and any other information received by the Commission in connection therewith.

The so-called Steinway Tunnel has been constructed by the New York and Long Island Railroad Company and financed by the Interborough Rapid Transit Company, which controls the tunnel company through stock ownership.

The City of New York and the New York and Long Island Railroad Company have been engaged in litigation since February, 1906, over the right of the company to construct this tunnel. The City claimed that the company was not a legal corporation; that it had no right to construct the tunnel; that even if it ever were a lawful corporation its corporate existence and powers ceased on January 1, 1907; and that its New York City franchises also expired at the same time.

In passing upon the claim of the City, Mr. Justice Davis, of the Supreme Court, in an opinion rendered December 9, 1907, said:

"The failure of the defendant to comply with the Railroad Law as to completion and operation of the railroad was *ipso facto* an extinction of the corporation, and it does not require the bringing of an action to dissolve the corporation (Matter of

Brooklyn, Winfield & Newtown R'y, 72 N. Y., 245). *And the so-called franchises mentioned in the complaint were immediately extinguished* (see Brooklyn, Q. Co. & Sub. R. R., 185 N. Y., 185).

"It thus appears from the complaint that the action is brought against a defendant that has no existence. The defendant being dead in the sense referred to above there can be no pleading to the complaint on behalf of that defendant. * * *

*"I do not agree with the demurrant's view that the property rights and franchises mentioned in the complaint survive the extinction of the defendant's corporate existence and pass to the directors as trustees for the benefit of those concerned, and that these trustees are the proper parties defendant. If this were so the trustees might take their own time to build the road and thus defeat the very purpose of the statute to insure a speedy completion of the work for public uses (Matter of B'klyn, Q. Co. & Sub. R. R., 185 N. Y., 171, 185). * * ** My conclusion is that the demurrer is not properly interposed and has no standing in the case. The demurrer really admits that there is no defendant here. As a matter of fact there is no action pending, nor was there at the time the demurrer was served. Submit decision and judgment in accordance with these views."

An appeal in one of the actions between the City and the Company is now on the calendar of the Court of Appeals and may be argued within the next two months. The entire litigation on behalf of the City is in the hands of the Corporation Counsel.

More detailed information in relation to this tunnel and to the matters in controversy will be found in the report herewith transmitted, entitled "The Steinway Tunnel."

If the New York and Long Island Railroad Company has forfeited its corporate rights and franchises, the Commission is without present power to compel the operation of the tunnel, and pending the final determination of the rights of the parties to the litigation any attempt to do so would be premature and improper.

Respectfully yours,

Chairman.

THE STEINWAY TUNNEL.

The tunnel extending from Manhattan to Queens, along the line of Forty-second street, commonly called the "Steinway Tunnel," has been constructed by a private company, and is not a part of the rapid transit system laid out by the Public Service Commission, or its predecessors. No application has been made to the Commission, under any section of the Public Service Commissions Law, by the owners of the tunnel, and no proposition looking towards the granting of a franchise to operate has been presented to the Commission for consideration. But the present situation is so peculiar and so many inquiries have been made at the office of the Commission that a statement of the facts up to December 31, 1907, may be of interest and value.

Origin of the Company—The tunnel was originally begun by the New York and Long Island Railroad Company, which was incorporated July 30, 1887, under chapter 140 of the Laws of 1850, known as the General Railroad Act, and the amendments thereto. The articles of association provided that the company was to continue in existence for ninety-nine (99) years; that the capital stock was to be \$100,000, consisting of 1,000 shares, at \$100 each, and that a railroad was to be constructed and operated about five miles in length, extending from a point near Borden avenue, Queens, one mile from the East river; thence under the river and under certain streets and lands in Manhattan to a connection with the New York Central and Hudson River Railroad at or near the intersection of Ninth avenue and Thirtieth street, New York City, with a branch northerly to connect with the New York Central and Hudson River Railroad, near the Grand Central Depot, and a branch southerly to connect with the Hudson River tunnel in the vicinity of Washington square.

The General Railroad Act of 1850 was amended by chapter 775 of the Laws of 1867, which provided, among other things, that if any corporation organized under the Act of 1850,

"shall not, within five years after its articles of association are filed and recorded in the office of the Secretary of State, begin the construction of its road, and expend thereon ten per cent. on the amount of its capital, or *shall not finish its road and put it in operation* in ten years from the time of filing its articles of association, as aforesaid, *its corporate existence and powers shall cease.*"

Work not completed—It therefore became incumbent upon the New York and Long Island Railroad Company to have begun construction of the tunnel and to have expended thereon \$10,000 by July 30, 1892, and to have finished it and put it in operation by July 30, 1897, under penalty of forfeiture of its corporate existence and powers.

The company's contractor started work in May, 1892, and it is claimed that up to July 30 of that year the sum of \$11,718.33 had been expended. Work continued down to December, 1892, when an explosion occurred, and for nearly thirteen years nothing further was accomplished. In resuming operations in 1905, eight years after the charter would have expired, under the Law of 1867, above quoted, the company relied upon a series of acts, the last of which, adopted in 1903, is claimed to have extended until January 1, 1907, the time within which the road should have been finished and put in operation. As a matter of fact, the tunnel was not finished and put in operation by this date.

Franchise Grants—Incorporation did not of itself confer upon the company the right to begin work. Consents had still to be obtained from the local authorities and from the State of New York, which are as follows:

"(1) Resolution of the Board of Aldermen of the old City of New York, approved December 31, 1890.

(2) Patent issued by the State of New York, January 5, 1891.

(3) Resolution of the Board of Aldermen of Long Island City, approved October 27, 1891."

By the first resolution the City assented

"to the construction of a double track railroad by the New York and Long Island Railroad Company, in, by and through a tunnel *beneath the surface of Forty-second street, from its easterly end, to a point therein between Tenth and Eleventh avenues*, in said City, with such connections, branches, turnouts, sidings and switches, as may be requisite and necessary, in accordance with the plans and profiles of such railroad heretofore deposited with this Board, or such modification thereof as shall be approved by the Commissioner of Public Works of said City."

For compensation to The City of New York, the ordinance provided that the company should,

"pay annually to the City of New York *three per centum of its gross earnings or receipts from transportation of persons and property on its railroad within said City*; such payment to be exclusive of all taxes levied by and payable to The City of New York on the real or personal property, capital stock or income of said company, and the books of said company showing the amount of its said gross earnings or receipts shall, at all reasonable times and hours be open to the inspection of the Comptroller of the City of New York (or to his duly authorized agents) for the purpose of verifying the returns thereof of said company."

The consent of the State of New York was granted by the following patent:

"The People of the State of New York, by the Grace of God, Free and Independent: To all to whom these Presents shall come, Greeting:

"Know Ye, That, pursuant to chapter 140, Laws of 1850, as amended by chapter 601, Laws of 1886, and a resolution of the Commissioners of the Land Office adopted November 25, 1890, we have given and granted, and by these presents do *give and grant* unto the New York and Long Island Railroad Company, its successors and assigns, *a right of way ninety-nine feet in width and fifty feet in height within which to construct a tunnel for the use and operation of the above-named grantees' railroad beneath the waters of the East River upon and along the route of said railroad, between the City of New York and Hunter's Point in Long Island City, as shown in plan and profile, upon the charts filed in the office of our Secretary of State, with the water grant papers of the month of January, 1891.*

"Together with all and singular the rights, hereditaments and appurtenances to the same belonging, or in any wise appertaining; *to have and to hold the above described premises unto the said the New York and Long Island Railroad Company, its successors and assigns forever.*"

Long Island City, by the last resolution referred to, assented to the construction of a double track railroad upon and along the following lines and routes:

"Route One—Beginning at a point under the ground at or near the *westerly end of Fifth street and in the middle line thereof at low water mark*, on the east side of the East River in said city; thence running easterly beneath streets and private property to a point at or near the intersection of Fourth street and West avenue; thence along

Fourth street to or near Van Alst avenue, with a station hereafter to be located between the easterly shore of the East River and Van Alst avenue; thence northeasterly by a curved line to Meadow street; thence along Meadow street to Beach street; * * *

The whole route may be indicated as follows:

A (*New York City*), B (*Dock Property*), C (*East River*), D-E (*Long Island City*), F.

A is Forty-second street at "a point therein between Tenth and Eleventh avenues," Manhattan.

B is "beneath the surface of Forty-second street from (at) its *easterly end*," Manhattan.

C to D is "beneath the waters of the East River upon and along the route of said railroad, between the City of New York and Hunter's Point in Long Island City, as shown in plan and profile, upon the charts filed in the office of our Secretary of State, with the water grant papers of the month of January, 1891."

E is "*At or near the westerly end of Fifth street* and in the middle line thereof *at low water mark*," Long Island City.

F is Meadow street at Beach street, Long Island City.

Route as Constructed—It will be noted that the route above described differs from the route set forth in the articles of association and from the location of the tunnel as actually constructed. The company claims to have obtained the legal right to make such alterations, but the Corporation Counsel of the City has denied this. The route as actually constructed is approximately as follows: From a loop at the intersection of Park avenue and Forty-second street, somewhat below the present subway, the line extends under Forty-second street, under the wharf property of the City at the end of Forty-second street, East River, to the west end of Fifth street, Long Island City; from thence it runs under private property to Fourth street, and under Fourth street to a point between Jackson and Van Alst avenues. The portion from Forty-second street to a point between Tenth and Eleventh avenues has not been constructed. The line is composed of two tracks for its entire length and for most of the distance each track is located in a separate tunnel.

A comparison of the route as actually built with the rights granted by The City of New York, the State of New York and Long Island City, shows how a difference of opinion has arisen as to whether the company has obtained the proper legal authority for the construction of a tunnel under dock property in New York City; that is, the section between "B" and "C" in the above diagram. The company claims that the resolution of the Board of Aldermen covers this section. The legal representatives of the City have claimed that jurisdiction over this strip of land 300 feet in width was vested in the Department of Docks, and that it was necessary to secure the consent of this Department for the construction of the route. The courts have not yet passed upon this point.

City's Efforts to Stop Work—When the company resumed work in 1905 it obtained from the Fire Commissioner of The City of New York licenses to use and keep explosives at the four shafts where it was prosecuting its work, and later in the year obtained permission from the Building Department to erect certain temporary structures. About this time there arose considerable discussion regarding the legal right of the company to proceed with the work. Many claim that the company had forfeited its charter because of its failure to complete the tunnel by July 30, 1892, and that it was proceeding illegally.

Upon January 22, 1906, the Inspector of Combustibles of the Fire Department, New York City, informed the contractors doing the work that four permits for blasting had been revoked "by direction of the Corporation Counsel." Two days later the Superintendent of Buildings informed the contractors that certain building permits had been revoked "for the reason that the right to build this tunnel is disputed." No infractions of the permits themselves were alleged.¹ Thereupon the railroad company brought a suit to stay the revocation of the permits, and a preliminary injunction was granted. The main contentions of the Corporation Counsel in opposing an injunction were that the company was not a legal corporation and that it had no right to construct the tunnel. The case came first before Justice Blanchard of the Supreme Court, who said:

"Independent of the foregoing considerations, however, the validity of the plaintiff's franchise, in which a large amount of capital is invested and great public interests are concerned, cannot properly be determined upon affidavits. To resolve this question now against the plaintiff would permit such interference with the plaintiff's work as would prevent its completion within the time set therefor, upon which its franchise is conditional. The plaintiff will be irretrievably damaged if the doubt were now resolved against it. The defendant, on the other hand, cannot be prejudiced by the postponement. For this reason the Court may well refuse to determine the question upon the present motion, and instead may properly make a restraining order permitting the continuance of the work under the alleged franchise until the question may be tried in court according to the rules of evidence. Upon this ground, as well as upon the merits, the plaintiff's motion for a continuation *pendente lite*, of the preliminary injunction, is granted."

The case came on for trial before Mr. Justice Fitzgerald in June, 1906, who concluded that:

(1) "The plaintiff had acquired at the time of the beginning of this action, and now has, due legal power and lawful authority to construct and operate its tunnel and railroad."

(2) "There was no warrant or authority in law for the attempted revocation of any of said licenses and permits, either for the use of explosives or for temporary buildings; and said licenses and permits were and are of full force and effect."

(3) "The time of the plaintiff to complete the construction of its tunnel will expire on the 31st day of December, 1906."

In his opinion Mr. Justice Fitzgerald said:

"The validity of plaintiff's incorporation under the provisions of the General Railroad Act of 1850, as affected by various subsequent statutes, particularly the prohibition of chapter 10, Laws of 1860, applicable only to The City of New York, the constitutionality of the Tunnel Act, chapter 582, Laws of 1880, the alleged failure of defendant in any event to comply with its provisions, the legality of the consents of the local authorities and of the abutting owners, the lapsing by expiration of time of the defendant's franchises and its failure to comply with statutory requirements in the matter of the change of route, were all sharply presented and definitely determined,"—when the matter was before Mr. Justice Blanchard. Accordingly a decision was rendered for the company.

As to the contention of the City that the railroad company had failed to obtain the consent of the Dock Department for the 300-foot strip referred to above, Mr. Justice Fitzgerald said:

"It is claimed that this land under water is within the exclusive control of the Dock Department, and that no action of the Board of Aldermen can confer any right of way or easement under this portion of the bed of the East River. * * * This is a proposition not affecting the validity of plaintiff's charter, but challenging its right to construct its tunnel upon a portion of its designated route. It does not appear that any application for consent was made and refused, nor was the failure to obtain such consent made a ground for the revocation of the permits. There is some suggestion of acquiescence. If plaintiff becomes a trespasser it does so at its peril, and no adjudication now can deprive the City or the Dock Department of their remedies, while irreparable loss might result to the plaintiffs if it were, by the revocation of permits, prevented from prosecuting a work the failure to complete which within a short period of time might involve the forfeiture of its charter and the consequent loss of the vast sum of money already expended."

The Case in the Appellate Division—The appeal from this judgment was argued in the Appellate Division in October, 1907, and the Appellate Division, by unanimous opinion, affirmed the judgment of Mr. Justice Fitzgerald. Although the case was not decided until 1907, it was begun in 1906, and therefore the Court did not assume to decide these two questions:

(1) The effect of the failure of the company to construct and operate its road by the prescribed time, namely, January 1, 1907.

(2) The effect of the failure to get the consent of the Dock Department of The City of New York for a portion of its road as at present constructed. The Appellate Division did say, however:

"The articles of association were filed on the 30th of July, 1887; the company entered into a contract for the construction of its road in June, 1890; work was begun thereunder, and by July 30, 1892, upwards of 10 per cent. of the capital had been expended. The time for completion had been extended by chapter 700 of the

Laws of 1895; 647 of the Laws of 1901; 487 of the Laws of 1902; 597 of the Laws of 1903; to January 1, 1907. As this case was commenced in February, 1906, and tried in June of the same year, *the time limit for completion had not expired.*"

As to the second question, the Appellate Division said:

"For the purpose of this suit *it is unnecessary to decide where the power is lodged.* The permits at bar were not revoked because the permission of the Dock Department had not been granted to pierce this strip of land under water."

Direct Action Brought by the City—In February, 1907, an action was brought by The City of New York against the New York and Long Island Railroad Company, the substance of this action being that the *corporate existence and powers* of the railroad company ceased January 1, 1907, that its work since that time had been carried on without legal authority and that its franchises were forfeited and void. The City asked judgment permanently enjoining and restraining the construction and operation of the railroad. To this complaint the company demurred, and the demurrer was argued before Mr. Justice Davis, of the Supreme Court, in October, 1907.

Mr. Edward P. Bryan, President of the Interborough Rapid Transit Company, testified before the Commission upon August 20, 1907, that he was Chairman of the Board of *Trustees* of the New York and Long Island Railroad Company. He also stated that the company ceased to have a Board of *Directors* about January 1, 1907, when the Board became a Board of *Trustees*, "practically under the advice of our legal department." He further testified that all the corporate assets which, prior to January 1, 1907, were under the direction or control of the Board of Directors of the company, were then (August 20, 1907) under the direction and control of the Board of Trustees and that he signed himself, not as President of the company, but as Chairman of the Board of Trustees.

Mr. Justice Davis, in his opinion handed down December 9, 1907, ruled that the demurrer put in by the company was not properly interposed. He said:

"The failure of the defendant to comply with the Railroad Law as to completion and operation of the railroad was *ipso facto* an extinction of the corporation, and it does not require the bringing of an action to dissolve the corporation (*Matter of Brooklyn, Winfield & Newtown R'y*, 72 N. Y., 245). *And the so-called franchises mentioned in the complaint were immediately extinguished* (see *Brooklyn, Q. Co. & Sub. R. R.*, 185 N. Y., 185).

"It thus appears from the complaint that the action is brought against a defendant that has no existence. The defendant being dead in the sense referred to above there can be no pleading to the complaint on behalf of that defendant. * * *

"*I do not agree with the demurrant's view that the property rights and franchises mentioned in the complaint survive the extinction of the defendant's corporate existence and pass to the directors as trustees for the benefit of those concerned, and that these trustees are the proper parties defendant. If this were so the trustees*

might take their own time to build the road and thus defeat the very purpose of the statute to insure a speedy completion of the work for public uses (*Matter of B'klyn, Q. Co. & Sub. R. R.*, 185 N. Y., 171, 185). * * * My conclusion is that the demurrer is not properly interposed and has no standing in the case. The demurrer really admits that there is no defendant here. As a matter of fact, there is no action pending, nor was there at the time the demurrer was served. Submit decision and judgment in accordance with these views."

Present Condition—Such was the situation of the litigation at the end of the year. The tunnel was almost if not quite completed, and it is stated that operation could be begun in a short time so far as physical conditions are concerned. Cars have actually been run through for purposes of inspection, but not for public use. The stock of the New York and Long Island Railroad Company is practically all owned by the Interborough Rapid Transit Company, which has furnished the funds to build the line (see Mr. Bryan's evidence before the Commission in the Interborough-Metropolitan investigation). The same company owns practically all of the stock of the New York and Queens County Railway Company, the company that operates the street car lines in Long Island City and most of the Borough of Queens. Thus the Interborough Company controls the subway in Manhattan, with which the Steinway tunnel would at present naturally connect; the Steinway tunnel itself, and also, the surface lines in Queens, which are naturally the feeders of the tunnel. It would easily be possible within a short time to make an operating connection between the tunnel and the Queens surface lines. In Manhattan a transfer station certainly could be built and possibly an operating connection provided. But no proposition has been made to the Commission by any company looking to this end.

The following statement has been filed with the Commission of the expenditures of the Interborough Rapid Transit Company in connection with its acquisition of the stock, etc., of the New York and Long Island Railroad Company and the construction of the tunnel, including the estimates of the amounts required to complete the work by the Chief Engineer of the company:

Original cost to the Interborough Rapid Transit Company of franchises, etc.	\$402,035 17
Cost of real estate (see Schedule "A," hereto annexed)	917,693 94
Cost of construction and equipment (see Schedule "B," hereto annexed)	6,126,151 67

Total, exclusive of interest accrued.....	\$7,445,880 78
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Interest at 4 per cent. per annum to July 15, 1907—

On Interborough Rapid Transit Company's original investment	\$54,490 05
On real estate purchases.....	58,142 95

On loans and construction account—

Advances from the Interborough Rapid Transit Company to or for the account of the New York and Long Island Railroad Company....	114,499 19	
		<u>227,132 19</u>

Grand total.....		<u>\$7,673,012 97</u>
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If interest is computed at 5 per cent. per annum, the cost is.....		<u>\$7,729,796 01</u>
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If interest is computed at 6 per cent. per annum, the cost is.....		<u>\$7,786,579 05</u>
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Note—We have certain claims against the Pennsylvania Railroad Company and others from which \$40,000 will be realized, in the judgment of the Chief Engineer; the plant, it is estimated, will bring about \$160,000; a total credit of \$200,000, to be deducted from the figures shown hereinabove.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, FEBRUARY 21, 1908.

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, John E. Eustis.

(1)

3199

The Secretary stated that E. P. Bryan, President of the Interborough Rapid Transit Company, had sent a communication stating that he had been requested by the Postmaster of Brooklyn to allow the placing of a letter box on the kiosk leading from the north entrance of the Borough Hall station of the subway in Brooklyn, and that it had been referred to the Chief Engineer, who stated that there was no objection to such permission, provided that the letter box were placed within the limit of the sheet metal panel of the kiosk railing, and that if practicable the box should be painted to correspond with the railing, although this need not be insisted upon. A motion was made and duly seconded that such permission be granted.

(2)

O-274

Commissioner Eustis presented a communication from the Counsel to the Commission transmitting a report prepared by Mr. Walker, an Assistant Counsel, and moved the following resolution, which was duly seconded:

ORDER FOR ANSWER (No. 274).

Whereas, It appears that The City of New York, on August 2, 1904, granted a franchise to the New York, Westchester and Boston Railway Company for the construction of a four-track electric railway from the Harlem River to the city line; and

Whereas, It was one of the conditions of said grant that the road should be completed from the northerly line of the city as far south as the intersection of the Southern Boulevard and Westchester Avenue, within five years from said date; and

(15)

[Form 2004]

[1 M(B)]

Whereas, It appears that after this work was undertaken, construction has been discontinued since 1906; and

Whereas, Said five years limitation will expire on August 2, 1909; and

Whereas, It appears that control of the said Westchester Railway is now held by the New York, New Haven and Hartford Railroad Company; therefore

Resolved, That the New York, New Haven and Hartford Railroad Company be requested to inform this Commission in writing, within ten days from receipt of this resolution, as to the following points:

First—Why has the work of constructing the Westchester road been discontinued since 1906?

Second—When will the work of construction be resumed?

Third—When will the section from One Hundred and Seventy-seventh street to the city line be completed?

Fourth—When will the road be put in operation over that section of the route?

Fifth—When will the section of the road from One Hundred and Seventy-seventh street to the Harlem River be put in operation?

Sixth—When will the section of the road from the city line through the Westchester localities be put in operation?

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

The communication and report were as follows:

February 6, 1908.

Hon. JOHN E. EUSTIS, *Commissioner*:

SIR—In response to your oral suggestion as to ascertaining the reason for the cessation of work on the so-called "Westchester" and "Port Chester" four-track electric railroads projected from the Harlem River northward through The Bronx, and thence to Port Chester at the Connecticut line, I transmit herewith a report prepared by Mr. Walker setting out certain features of the situation as it exists to-day and a proposed resolution dealing with the same.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

January 30, 1908.

REPORT ON NEW YORK, WESTCHESTER AND BOSTON RAILWAY COMPANY.

- I. Incorporation of New York, Westchester and Boston Railway Company
- II. The New York City Franchise.....
 - (1) The Franchise Route.....
 - (2) Character of Road
 - (3) Duration of Franchise Grant.....
 - (4) Compensation

- (5) Assignment of Franchise.....
- (6) Stations
- (7) Train Schedule
- (8) Rate of Fare.....
- (9) Time Limitation for Completion of Work.....
- (10) The Company's Obligation to Build the Road.....
- III. The Construction Work Accomplished.....
 - (1) The Construction Contract.....
 - (2) The Underwriting
 - (3) Extent of Construction Accomplished.....
- IV. Suspension of Operations.....
 - (1) Acquisition by Messrs. Perry & Thorne of the City and County Contract Company
 - (2) Acquisition by Messrs. Perry & Thorne of the Westchester Company
 - (3) Acquisition by Messrs. Perry & Thorne of the New York and Port Chester Railroad Company.....
 - (4) Transfer of the above Companies to Millbrook Company
 - (5) Acquisition by the New York, New Haven and Hartford Railroad Company of the Westchester and Port Chester Railroad Companies.....
- V. Reasons Assigned for Suspension of Operations.....
 - (1) Proposed Adoption by the New York and Port Chester Company of the Westchester Company's Route.....
 - (2) Mr. Robinson's Assertion.....
 - (3) The City and County Contract Company's Statement.....
 - (4) Mr. Thorne's Statement.....
 - (5) The New Haven Company's Statement and the Charter of the Westchester Company.....
- VI. Summary

APPENDIX.

- I. A Diagram Showing Routes of the Westchester and Port Chester Companies.
- II. Agreement by Westchester Company accepting the New York City Franchise.
- III. Diagram Showing Work Accomplished on the Westchester Route.
- IV. Statement as to Work Done on the Westchester Route.
- V. Statement by The City and County Contract Company as to Legal Difficulties of Westchester Company.
- VI. Statement by The City and County Contract Company as to Financial Difficulties of Westchester Company.
- VII. Statement by President Mellen of the New York, New Haven and Hartford Railroad Company.
- VIII. Resolutions calling for Statement from New Haven Company.

I.

INCORPORATION OF NEW YORK, WESTCHESTER AND BOSTON RAILWAY COMPANY.

This company was originally incorporated March 20, 1872, under the General Railroad Act, chapter 140 of the Laws of 1850. Its capital stock was \$1,000,000, consisting of 10,000 shares of \$100 each, and its corporate existence was fixed at ninety-nine years. The company was organized to construct a main line of road from Port Morris, via New Rochelle, to a point near Port Chester, where the road was intended to connect with what was known as the "Ridgefield and New York" Railroad, or some other railroad. A branch was to run from Pelham, via White Plains, to Hall's Corners, there to connect with the "New York and Boston Road," and a second branch was to be built to Fort Schuyler on the Sound. The road was to be about thirty-two miles long.

About \$200,000, it is asserted, was spent in surveys, engineering and construction work in Westchester County in the years 1872-1874. On March 30, 1875, the company's property and franchises went into the hands of a New York Supreme Court receiver and there remained until January 5, 1904, during which time the work lay practically dormant.

Among other difficulties in which the company had found itself was the alleged invalidity of its charter, due to the fact that the original articles of association failed to comply with section 2 of chapter 140 of the Laws of 1850. This section provided that articles of association should not be filed and recorded in the office of the Secretary of State until

"there is endorsed thereon, or annexed thereto, an affidavit made by at least three of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed, and 10 per cent. paid in cash thereon as aforesaid, and that it is intended in good faith to construct or to maintain and operate the road mentioned in such articles of association; which affidavit shall be recorded with the articles of association as aforesaid."

No such affidavit was endorsed on or annexed to the articles of association at the time the articles were filed. Instead, a certificate by three directors, duly acknowledged by them, was annexed to the articles of association and filed therewith. This certificate was intended to comply with the provisions of law requiring an affidavit, but it did not satisfy the statutory requirements. It is claimed that the omission of the prescribed affidavit was cured by proceedings taken under chapter 627 of the Laws of 1903, which provided that such defect could be cured by filing an affidavit containing the necessary matters specified in the statute of 1850. An affidavit intended to comply with said chapter 627 of the Laws of 1903 was filed in the office of the Secretary of State on January 6, 1904, at which time, it is claimed, the company came into existence as a valid corporation.

In the same year, 1904, the company obtained permission of the Board of Railroad Commissioners to increase its capital stock from \$1,000,000 to \$20,000,000, and to issue

\$20,000,000 first mortgage 5 per cent. gold bonds. \$9,000,000 of its stock was retired some time prior to July 3, 1907, as hereinafter stated.

II.

THE NEW YORK CITY FRANCHISE

In 1904, the Westchester Company obtained a franchise from The City of New York, by an ordinance adopted by the Board of Aldermen July 26, and approved by the Mayor August 2, to construct and operate a four-track electric railway over certain streets in the Borough of The Bronx.

(1) *The Franchise Route*—The franchise route thus granted is in general as follows:

Starting at the southern terminus at the Harlem River, between Lincoln and Third avenues, the route runs north to One Hundred and Thirty-eighth street, crosses the said street near Lincoln avenue, runs parallel to One Hundred and Thirty-eighth street to St. Ann's avenue, and then follows the general direction of the Southern boulevard to Hunt's Point, thence to the vicinity of One Hundred and Seventy-seventh street, West Farms road and Morris Park avenue, thence around the southeast corner of the Bronx Park and parallel to Morris Park avenue and White Plains road, thence crossing White Plains road and running close by the northwest end of the Morris Park Race Track, thence crossing the Bronx and Pelham parkway at Williamsbridge road, and thence continuing in an almost straight line northeasterly to the boundary line between New York City and Mount Vernon.

The route thus described is shown by the black line on the map annexed hereto as "Appendix I." The purple line marks the route of the New York and Port Chester Railway.

A franchise was also granted for a branch road leaving the main line near the junction of West Farms road and One Hundred and Seventy-seventh street, and running thence southeasterly to Clason's Point, and thence to Throgg's Neck, as also appears in "Appendix I."

In addition to the New York City franchise, a franchise was obtained from the City of New Rochelle, acting through its Common Council, November 28, 1906.

(2) *Character of Road*—The ordinance authorized the construction of a four-track railway, to be operated by electricity, the overhead trolley excepted, or by other motive power, excepting steam locomotive power. The road was to be built almost entirely on its own right of way.

(3) *Duration of Franchise Grant*—The grant was made for a term of twenty-five years from the date when the ordinance took effect, with the privilege of renewal for a further period of twenty-five years upon a fair revaluation of the franchise. The said revaluation was to be of the right to operate the road across the streets, and not to include any valuation derived from the ownership, operation or control by the company of any other railroad. It was further provided that upon the termination of

the grant all rights were to cease unless the company, or its successor, should obtain a new grant from the City.

(4) *Compensation*—It was provided that during the first ten years from the date when the ordinance went into effect, the company should pay The City of New York \$8,000 per annum, and during the succeeding fifteen years \$16,000 per annum. It was also provided that from the date of operation of any portion of the road until the end of the first ten years, the company should pay an additional sum of forty (40) cents per linear foot per annum for each line of single track railway within the lines of all streets, and for the succeeding fifteen years an additional sum of eighty (80) cents per linear foot per annum.

(5) *Assignment of Franchise*—It was provided also that the franchise should not be assigned without the consent of the City, acting through the Board of Estimate and Apportionment, or its successor in authority.

(6) *Stations*—It was provided that for the accommodation of local passenger traffic, there should be maintained at least six stations between the Harlem River and the Bronx River, and at least four stations between the Bronx River and the City line. Provision for other stations was made by paragraph 14 of section 2 of the ordinance.

(7) *Train Schedule*—The company was required to maintain a train schedule on the main line of at least sixty (60) trains in either direction daily, stopping at all stations within the City limits.

(8) *Rate of Fare*—During the first twenty-five (25) years of the grant the rate of fare within the limits of The City of New York, as it existed in August, 1904, was not to exceed five (5) cents, and after twenty-five (25) years not more than five (5) cents was to be charged within the City limits as they should then exist.

(9) *Time Limitation for Completion of Work*—Section 5 of the ordinance provided as follows:

"Said railway company shall commence actual construction within one year from the date of signing of this ordinance by the Mayor, and shall complete a four-track railway upon the main line, from the northerly line of the City as far south as the intersection of the Southern Boulevard and Westchester Avenue, within five years from such date, otherwise this grant shall cease and determine."

"Said railway company shall expend the sum of at least one million dollars (\$1,000,000) for construction within the limits of The City of New York within two years from the date of the signing of this ordinance which sum shall be exclusive of any moneys expended for right of way."

(10) *The Company's Obligation to Build the Road*—Section 16 provided as follows:

"This grant shall not become operative until said railway company shall duly execute, under its corporate seal, an instrument in writing wherein said company shall promise, covenant and agree on its part and behalf to conform to and abide by and perform all the terms and conditions and requirements in this ordinance fixed and

contained, and file the same in the office of the Comptroller of The City of New York, within ten days after the adoption of this ordinance."

The company filed its acceptance of the grant in the office of the Comptroller on August 11, 1904.

A copy of this agreement of acceptance is hereto attached as Appendix II.

III.

THE CONSTRUCTION WORK ACCOMPLISHED.

(1) *The Construction Contract*—In order to obtain funds to enable it to construct and equip its road, the company, in 1904, increased its capital stock from \$1,000,000 to \$20,000,000, and authorized an issue of 5 per cent. gold bonds to the amount of \$20,000,000. The company entered into a contract with Charles H. Smith on April 25, 1904, for the construction and equipment of that part of its main line located between One Hundred and Seventy-seventh street in The City of New York and the Village of Port Chester. This contract provided for the acquisition of all necessary real estate for right of way, terminals, power house, electrical equipment, rolling stock, etc. In payment therefor the company agreed to deliver to the contractor \$15,000,000 par value of its bonds and \$19,000,000 par value of its capital stock. The contract provided that all the stock should be deposited with the firm of Dick Brothers & Co. of The City of New York, under a voting trust agreement, for a period not exceeding five years. The contract also provided for a present delivery of \$600,000 par value of the bonds, and that the balance should be deposited with the firm of Dick Brothers to be delivered as prescribed in the contract. It was further provided that 55 per cent. of the stock deposited with the firm of Dick Brothers, in addition to being subject to the voting trust should also be held by that firm *as security for the completion of the railroad*. This contract was assigned by Smith, April 28, 1904, to The City and County Contract Company, a corporation organized to build and equip the road.

(2) *The Underwriting*—Thereupon Dick & Robinson, bankers of New York, pursuant to an agreement made with the City and County Contract Company, organized a syndicate to purchase \$15,000,000 of the bonds and \$4,500,000 of the par value of the stock of the railway company. The syndicate thereupon obtained underwriting of the stock and bonds sufficient, as it was claimed, to assure the provision of at least \$6,000,000 in cash. Thereupon bonds to the amount of \$14,400,000 par value, together with certificates of interest in the stock of the railway company to the amount of \$6,000,000, subject to the voting trust, were deposited, together with other papers, with the Knickerbocker Trust Company, which company had been selected by the syndicate managers and the railway company. The syndicate agreement provided that for each subscription of \$900, the subscriber should receive a first mortgage bond of the par value of \$1,000, and \$300 par value of the stock of the railway company. For underwriting the \$15,000,000 bonds the underwriters were thus due to receive \$1,500,000 in bonds and \$4,500,000 in stock. This syndicate agreement expired May 12, 1907.

It is asserted by Mr. Robert E. Robinson, member of the above mentioned firm of Dick & Robinson, that up to about October or November, 1906, there had been paid on this underwriting upwards of \$4,500,000. Mr. Robinson was one of the syndicate managers, and, according to his statements, he had active and personal charge of the syndicate up to the time when the Westchester Company passed into the control of Messrs. Marsden J. Perry and Oakleigh Thorne, as hereinafter stated.

(3) *Extent of Construction Accomplished*—Having financed the road, as was thought, the work of construction of that portion in The City of New York lying north of One Hundred and Seventy-seventh street began, and was prosecuted with such vigor that prior to August 2, 1906, the date set by section 5 of the New York City Ordinance, as above stated, there had been expended for construction upwards of \$1,077,000, exclusive of sums spent for right of way. This expenditure was verified by engineers acting for the Comptroller of The City of New York. The length of the line between One Hundred and Seventy-seventh street and the City line was about twenty-three thousand feet (23,000'), of which thirteen thousand feet (13,000') was nearly completed by the fall of 1906. The nature and extent of the work done may be summed up by saying that about two miles and a half of road bed has been completed, and to-day is apparently ready for the laying of ties and rails.

The section on which work has been done is shown on the sketch hereto attached as Appendix III. The completed section is shown by the solid white line, and the part yet to be finished is indicated roughly by the red dotted line.

This construction work has consisted of grading, cutting and filling, erection of bridges, abutments and culverts, laying of ducts, etc.

The nature of the work accomplished is stated more in detail in Appendix IV, hereto attached, being the notes made by Engineer Myers after a trip with him over this work on January 24, 1908.

In addition to the money expended for construction, there is claimed to have been expended in the purchase of real estate and right of way between One Hundred and Seventy-seventh street and the City line upwards of \$700,000.

In addition to the expense in The Bronx, it is asserted that there has been expended for the company upwards of \$1,500,000 in the purchase of real estate and right of way in Westchester County, and also \$150,000 for construction work in said county.

If there were no legal or financial obstacles the physical work of bringing the uncompleted portion up to the same state of completion as the finished portion could very likely be accomplished in eighteen (18) months.

IV.

SUSPENSION OF OPERATIONS.

(1) *Acquisition by Messrs. Perry & Thorne of The City and County Contract Company*—In October or November of 1906 the construction work ceased. Mr. Robinson, in an action instituted by him in June, 1907, charges that this was due to

the plans and activities of Mr. Oakleigh Thorne, President of The Trust Company of America, and Mr. Marsden J. Perry, President of the Union Trust Company of Providence, Rhode Island. In October of 1906, Messrs. Perry & Thorne were directors in the Westchester Company, and Mr. Perry, according to Mr. Robinson, had been, since June, 1905, Chairman of its Executive Committee. In October, 1906, The City and County Contract Company owed The Trust Company of America \$200,000. and owed the Union Trust Company of Providence \$100,000. Mr. Robinson, in his complaint, verified June 20, 1907, alleged that Messrs. Perry & Thorne demanded immediate payment of these notes, and threatened proceedings against The City and County Contract Company. This assertion is denied by Mr. Thorne. On or about October 26, 1906, The City and County Contract Company entered into a written agreement with Messrs. Perry and Thorne whereby they agreed to supply the place of all underwriters who were not satisfactory to the syndicate managers so that the said subscriptions should aggregate the total amount of \$15,000,000. Messrs. Perry & Thorne also agreed to purchase all the stock of The City and County Contract Company at a price specified. The City and County Contract Company, on its part, agreed, as was alleged by Mr. Robinson, to transfer to Messrs. Perry & Thorne all its interest in the voting trust certificates of the Westchester Company then owned by The City and County Contract Company, aggregating at par the sum of \$11,396,000, of which amount \$10,325,000 was deposited with Dick Brothers as security for the completion of the railway. Thereupon, Mr. Robinson alleged, Messrs. Perry & Thorne acquired substantially all of the stock of The City and County Contract Company, and subsequently subscribed the syndicate agreement to the amount of \$9,158,700. They thereby obligated themselves, Mr. Robinson alleges, to pay said amount for the account of The City and County Contract Company to be used for the construction of the Westchester road.

(2) *Acquisition by Messrs. Perry & Thorne of the Westchester Company*—On October 29, 1906, three days after the contract between Messrs. Perry & Thorne and The City and County Contract Company, Messrs. Perry & Thorne, according to Mr. Robinson's allegations, caused to be adopted by the Board of Directors of the Westchester Company a resolution releasing the \$10,325,000 par value of stock of the Westchester Company, and the certificates of beneficial interest therein theretofore held by the firm of Dick Brothers & Company, and authorizing the delivery to The City and County Contract Company of voting trust certificates representing the beneficial interest in said stock to the amount of \$10,325,000. Mr. Thorne asserts that this was done, not by himself and Mr. Perry, but by The City and County Contract Company and Mr. Dick. Thereupon, according to Mr. Robinson's allegations, voting trust certificates, representing \$11,396,000 par value of the Westchester Company stock, were delivered by The City and County Contract Company to Messrs. Perry & Thorne, pursuant to the contract between them and The City and County Contract Company. Thereby, according to Mr. Robinson, Messrs. Perry & Thorne acquired ownership of a majority of the stock of the Westchester Company.

(3) *Acquisition by Messrs. Perry & Thorne of the New York and Port Chester Railroad Company*—The New York and Port Chester Railroad Company had been incorporated under the laws of New York April 3, 1901, with a capital stock of \$250,000, for the purpose of building a road from the Harlem River to Port Chester substantially similar and parallel to the main line of the Westchester Company. In the fall of 1906 about \$211,500 of its capital stock had been issued. The Port Chester Company had apparently received the hearty support of the people of The Bronx, and of the cities and towns in Westchester County. The Port Chester Company had been considered an independent enterprise. It had been engaged in a fierce legal struggle with the Westchester Company, and though it had endeavored to get a franchise from the New York City authorities along a route parallel to the Westchester Company, it was unable to get such franchise until May 31, 1906; the franchise being in the form of a contract made on that date between The City of New York and the New York and Port Chester Railroad Company. This franchise route was parallel and very close to that of the Westchester Company, as is apparent from "Appendix I," hereto attached. As late as May, 1907, the Port Chester Company had done no construction work, and apparently no underwriting had been prepared. In October or November, 1906, about the time when Messrs. Perry & Thorne acquired the Westchester Company and The City and County Contract Company, they purchased the entire capital stock of the New York and Port Chester Railroad Company. Their idea in purchasing the Port Chester Company was, according to a statement made by Mr. Perry, to dispose of the most serious obstacle to the building of the Westchester road.

(4) *Transfer of the Above Companies to Millbrook Company*—Mr. Perry, in his affidavit, dated July 3, 1907, in the Robinson suit hereinafter referred to, gave an account of this transfer as follows:

"In October, 1906, Mr. Thorne and myself having acquired the entire outstanding capital stock of the Port Chester Company organized the Millbrook Company under the Stock Corporation Law of the State of New York, and transferred to it our entire holdings in Port Chester Company and Westchester Company. *The intention of Mr. Thorne and myself in purchasing the Port Chester Company had been to overcome the most serious obstacle in the way of the construction of the Westchester road.* At that time it seemed extremely improbable that either road could be constructed in the face of the opposition of the other."

With this transfer, the control of these rival companies, and the two roads they were organized to build, passed into the hands of one company, apparently controlled by Messrs. Perry & Thorne.

By an order of the Board of Railroad Commissioners made December 28, 1906, the Port Chester Company was authorized to increase its capital stock to \$20,000,000, provided that before any stock in excess of \$211,500 should be issued a like amount of stock of the Westchester Company should be canceled and retired. The Port

Chester Company was also authorized by an order of the same date to issue \$20,000,000 five (5) per cent. gold bonds, provided that prior to the issue of any bonds in excess of \$5,000,000 a like amount of bonds of the Westchester Company should be canceled and retired. Pursuant to this authority the Millbrook Company some time prior to July 3, 1907, caused to be retired \$9,000,000 of the Westchester stock and issued approximately a like amount of the Port Chester stock.

The stock in The City and County Contract Company held by Messrs. Perry & Thorne apparently was also transferred to the Millbrook Company.

(5) *Acquisition by the New York, New Haven and Hartford Railroad Company of the Westchester and Port Chester Companies*—In a letter sent to the Board of Estimate and Apportionment, under date of December 31, 1907, President Mellen, of the New York, New Haven and Hartford Railroad Company defined the relation of the New Haven Company to the Millbrook Company as follows:

"This company [that is, the New Haven Company] owns all the stock of Millbrook Company, a corporation organized and existing under the Business Corporation Law of the State of New York. The company was organized on or about the 5th day of November, 1906. The total authorized issue of stock of that company is \$100,000, consisting of 1,000 shares of the par value of \$100 each. All of this stock is owned by the New Haven Company."

"Millbrook company in turn since a date prior to July 1, 1907, has owned and now owns 91,581 shares of the stock of New York and Port Chester Railroad Company, being all the stock of that company issued and outstanding, excepting that nine qualifying shares are held by the directors of the company.

"New York and Port Chester Railroad Company, since a date prior to July 1, 1907, has owned and now owns the following securities of New York, Westchester and Boston Railway Company:

"(a) 5,639 shares of the stock of New York, Westchester and Boston Railway Company, par value, \$100 a share.

"(b) The beneficial interest in 23,489½ shares of stock of New York, Westchester and Boston Railway Company, evidenced by voting trust certificates.

"(c) \$13,490,000 out of \$13,500,000 of a certain underwriting agreement calling upon conditions therein stated for \$15,000,000 of bonds and 45,000 shares of stock of New York, Westchester and Boston Railway Company, evidenced by voting trust certificates now held by Knickerbocker Trust Company under the said syndicate agreement of underwriting. All of said underwriting interests, with the exception of \$10,000, are now held by this company, but the same have not yet been paid in full. Upon completion of payments to said underwriting this company will be entitled to 44,967 shares of stock of New York, Westchester and Boston Railway Company, evidenced by voting trust certificates."

As bearing on the question as to when the New Haven Company obtained control of the Millbrook Company, is a statement purporting to have been issued by the New Haven Company from New Haven, Conn., on October 29, 1907, as follows:

"The Millbrook Company has been owned by the New Haven Company practically for over one year and the action to-day was merely a formal transfer from the persons who have managed it for the New Haven Company's account. This transfer involves no new obligations or additional expenditures at this time. The Millbrook Company owns all of the New York and Port Chester Railroad Company and a very substantial majority of the New York, Westchester and Boston Company."

V.

REASONS ASSIGNED FOR SUSPENSION OF OPERATIONS.

Mr. Robinson asserts in his action that the work of building the Westchester road ceased as a result of Messrs. Perry & Thorne's plans to possess themselves of the property.

(1) *Proposed Adoption by the New York and Port Chester Company of the Westchester Company's Route*—On or about April 4, 1907, the Port Chester Company applied to the Board of Estimate and Apportionment for authority to change the line of parts of its railway in accordance with an amended map and profile filed in the office of the New York County Clerk, on April 4, 1907, which amended route coincided almost entirely with that portion of the Westchester route under construction. A report made to the Board of Estimate and Apportionment in regard to this application stated that counsel for the Millbrook Company had submitted a proposed contract between the Port Chester Company and the Westchester Company by which it was to be agreed that the Port Chester Company should build its road upon so much of the route as was common to both companies, and that both companies should have an equal right to operate trains over such line, upon a schedule to be mutually agreed upon by the two companies. It was further intended that the Westchester Company should assign to the Port Chester Company all the interest in the construction contract and should also transfer to the Port Chester Company all the construction work, material, bridges, tunnels, real estate and other property owned by the Westchester Company, or to which it should thereafter become entitled under the construction contract, along that portion of its line from the southeasterly corner of Bronx Park to the northern boundary line of the city.

Mr. Robinson had been one of the syndicate managers, as above stated, and had been active in the affairs of the Westchester Company from the time when it resumed operations in 1904. He asserts that he is the owner of upwards of \$330,000 par value of the stock of the Westchester Company. He objected to the proposed adoption by the Port Chester Company of the Westchester Company's route and the proposed contract between the two companies, and when the application for change of route was pending before the Board of Estimate and Apportionment, he obtained an injunction against the Westchester Company, the Port Chester Company, the Millbrook

Company, The City and County Contract Company, the Board of Estimate and Apportionment, Messrs. Perry & Thorne, and other individual defendants. His preliminary injunction was continued by Mr. Justice Dayton of the Supreme Court, by an order dated August 29, 1907.

As to why the construction work has lain dormant since the fall of 1906, various reasons are assigned by the parties in interest.

(2) *Mr. Robinson's Assertion*—Mr. Robinson asserts that the work stopped owing to the failure of Messrs. Perry & Thorne to get in the funds due on the underwriting, intending thereby to accomplish their purpose to have the Port Chester Company, in which they owned *all* the stock, possess itself of the road of the Westchester Company, in which company they had *only about a two-thirds* stock interest.

A secondary reason assigned by Mr. Robinson for Messrs. Perry & Thorne's attack on the Westchester Company was their desire to relieve themselves from their liability on the Westchester underwriting. Mr. Perry stated in his affidavit, July 25, 1907, that the amount then due on the underwriting was \$8,451,018.89.

(3) *The City and County Contract Company's Statement*—This company, in an affidavit made by its President, Thomas D. Rhodes, July 3, 1907, denies that construction work has been abandoned, and asserts that work was discontinued because the Westchester Company failed to obtain the right of way necessary for the work of construction. Mr. Rhodes stated in his affidavit of July 3, 1907, that when the work ceased about \$4,070,000 had been expended "on the work described in said complaint and for other necessary purposes." The statement of The City and County Contract Company is more fully set out in Appendix V hereto attached.

Mr. Rhodes alleges that in addition to the legal defect, there were also financial difficulties due to a lack of funds intended to have been derived from the underwriting. He charges that the underwriting was unsatisfactory. His statement on this point, as embodied in his affidavit, dated July 3, 1907, is hereto attached as Appendix VI.

(4) *Mr. Thorne's Statement*—Mr. Thorne in his affidavit, dated July 3, 1907, charges that work ceased because of difficulties in acquiring right of way and the lack of funds by the Contract Company with which to prosecute its work. Mr. Thorne's statement to this effect is made in his affidavit as follows:

"That it is not true, as alleged in the Sixteenth Paragraph of plaintiff's complaint, that deponent and the defendant Perry after they had acquired the control of the Westchester Company, etc., stopped all work of construction on the road of the Westchester Company. The work of construction was stopped owing to the legal difficulties in the way of securing right-of-way and these difficulties have not yet been removed, and at the time that defendant Perry and this deponent acquired control of the City and County Contract Company it was in a helpless condition and without money and on the eve of bankruptcy; it could not proceed with the work.

"It is true, as alleged in Paragraph Fourteenth of the complaint, that nothing has been paid on the subscriptions to the underwriting taken over by deponent and de-

fendant Perry, but it is also true that no call was made by the Syndicate Managers for any payment to be made upon this underwriting, and that the syndicate, itself, terminated by limitations in the syndicate agreement, dated May 14, 1907, since which time there has been no one authorized to make any call upon the underwriting in question."

Replying to the charge made by Mr. Thorne of lack of funds, Mr. Robinson, in his affidavit dated July 16, 1907, charges that this was due to the action of Messrs. Perry & Thorne. He said:

"I have read the affidavit of Oakleigh Thorne, one of the defendants herein, verified July 3, 1907. The statement made in the concluding paragraph of this affidavit, following the admission that the defendants Perry & Thorne have not paid anything on the underwriting taken over by them, as follows: 'But it is also true that no call was made by the syndicate managers for any payment to be made upon this underwriting and that the syndicate itself terminated by limitations under the syndicate agreement May 14, 1907, since which time there has been no one authorized to make any call upon the underwriting in question'—is disingenuous in that it conceals from the Court the real facts in connection therewith. Concurrently with the execution of the contract between Messrs. Perry & Thorne and The City and County Contract Company, dated October 26, 1906, referred to in the complaint, the defendants Perry & Thorne entered into another contract, dated the same day, with Evans R. Dick assuming to act for the firm of Dick & Robinson, as syndicate managers, in which said Perry & Thorne insisted upon the following paragraph which was embodied in said contract: *'The syndicate managers further agree that they will hereafter from time to time call upon the said underwriters for payment on their subscriptions when, and only when, the said Perry & Thorne shall so require.'*

"I strenuously opposed the execution of said contract by my then partner, Mr. Dick, and was present at the time it was signed and protested earnestly against its execution by him. He, however, in spite of my objection and protest signed said contract in his individual name and in the name of Dick & Robinson, as syndicate managers. Neither Messrs. Perry & Thorne, nor either of them, has ever requested the syndicate managers, or either of them, to make any calls on the underwriters. I repeatedly endeavored to have a call made for the 20 per cent. referred to in the concluding paragraph of this contract but without success, for the reason that *Messrs. Perry & Thorne refused to allow a call to be made even for that amount.*"

Possibly as significant a statement as any in regard to the present inactivity is that made by counsel for Messrs. Perry & Thorne in their brief filed with Mr. Justice Dayton.

On page 25 they say:

"It is clear that the Port Chester Company cannot finance this construction by the use of the Westchester bonds, and it is also clear that *at the present time the defendants Perry & Thorne do not intend to pay up their underwriting to the Westchester bonds.* The money furnished is to be furnished by the Port Chester Company, in whatever manner it may be able to do so."

On page 6 of their brief counsel had characterized the financing of the Westchester Company as "an extravagant financial scheme," saying:

"The Westchester Company had the advantage of an early start and of some completed construction, but it had the great disadvantage of a charter, the validity of which was seriously questioned, *of an extravagant financial scheme,*" etc.

As bearing also on the question of Messrs. Perry & Thorne's desire and intention to pay up their underwriting and also their liability as to this underwriting is the following statement made by counsel in the same brief, pages 27 to 28:

"The answering affidavit of the plaintiff refers also to the fact that no call has been made upon the syndicate underwriters, and that this was done by reason of an agreement between the syndicate managers and the defendants Perry & Thorne, whereby it was provided that the syndicate managers should make no further calls except as Perry & Thorne should require. *It is conceded* that the defendants Perry & Thorne have not required further payments upon the syndicate underwriting and that *they do not desire to have any made at this time*; and if it should be held that the Westchester charter is invalid, we do not believe that any further calls whatsoever could be made upon the underwriters. Surely the whole syndicate agreement presupposes the validity of the Westchester charter. As has already been said, *if the Westchester charter shall be held to be valid* in so far as they have underwritten the bonds of that company, the defendants Perry & Thorne are undoubtedly obligated to complete the road."

(5) *The New Haven Company's Statement and the Charter of the Westchester Company*—In his letter to the Board of Estimate and Apportionment, under date of December 31, 1907, President Mellen defined the intention of the New Haven Company as follows:

"It is the intention of the New York, New Haven and Hartford Railroad Company to cause to be constructed a railroad from the Harlem River to Port Chester, consisting of *two tracks*, from the Harlem River to One Hundred and Seventy-seventh street, *four tracks* from One Hundred and Seventy-seventh street to the City line, and *two tracks* from the City line to Port Chester; such road to be high speed electric railroad, in compliance with the provisions of the franchises heretofore granted by The City of New York to the Port Chester Company and the Westchester Company.

"The purpose and desire of this company is to construct such railroad upon the best available route between the Harlem River and Port Chester, whether the route already laid down by the New York and Port Chester Railroad Company, or the New York, Westchester and Boston Railway Company, or the New York, New Haven and Hartford Railroad Company."

"The plan under which this construction is to be made has not taken final form only because of the resistance by property owners disputing in the courts the validity of the charter of the New York, Westchester and Boston Railway Company."

This letter of Mr. Mellen's is hereto attached as Appendix VII.

In a number of cases where the Westchester Company had started condemnation proceedings, it had been met with the argument that its charter was not valid. The particular case to which Mr. Mellen refers was apparently the proceeding brought to acquire the property of Mrs. Arabella D. Huntington, which had been pending for sometime before ex-Justice Charles F. Brown as referee. On December 27, 1907, he rendered an opinion sustaining the validity of the charter in which he said:

"Among the rights to which the plaintiff [the Westchester Company] would have been entitled at the time of the original filing of its articles of association, if it had been a valid corporation, was the right to construct, maintain and operate a railroad upon the route designated in its articles of association, and such right is expressly conferred upon it by the act of 1903."

"Sixth.

"The plaintiff is entitled to judgment adjudging that the condemnation of the real property described in the petition is necessary for the public use, and that the plaintiff is entitled to take and hold the said property for the public use of the construction, maintenance and operation of the railroad described in said petition upon making compensation therefor in the manner provided by law."

Mr. Mellen in his letter stated the legal dilemma in which he asserts the New Haven Company finds itself at the present time, as follows:

"Until either

(1) "the Westchester Company, by reason of a final decision by the Court of Appeals sustaining the validity of its charter rights, is in a position to condemn, or

(2) "the Port Chester, by reason of the consent of the Board [that is, the Board of Estimate and Apportionment], to cross the streets on its amended route, is in like position, little progress can be made in this regard."

As to the first horn of the dilemma, the validity of the Westchester Company's charter, this charter has been vigorously assailed by the Port Chester Company, and has received the endorsement of eminent legal authority, the latest being that of ex-Judge Brown, above quoted.

It received also the endorsement of Messrs. William B. Hornblower, John G. Johnson of Philadelphia, George S. Graham and Charles E. Hughes in an opinion rendered by them to Messrs. Dick & Robinson, under date of January 23, 1904, in which they state:

"At your request we have made an examination for the purpose of ascertaining the *status* and rights of the New York, Westchester and Boston Railway Company. We are of the opinion that the said Company is now a valid and existing corporation, and has the right to construct its railroad, and to acquire by condemnation proceedings the necessary land for right of way and for sidings, stations and other necessary purposes, and in particular has the right to construct its road over that part of its route which lies in the Borough of The Bronx within the present limits of The

City of New York, and to cross streets which intersect that part of its route with the assent of the corporation of the City.

* * * * *

"We are of the opinion that under chapters 626 and 627 of the Laws of 1903, this corporation has the *status* of a valid railroad corporation with full authority to construct its road."

* * * * *

"We are, however, informed that this Company as a measure of abundant precaution, has made application for the assent of the Corporation of The City of New York to the construction of its road across the streets of said City which its route may intersect or touch. We are of opinion that with such an assent, the right of the company to cross said streets would be placed beyond question."

The validity of the charter of the Westchester Company was attacked in 1905 in an attempt to have the Attorney-General start *quo warranto* proceedings. The Attorney-General, in the course of his opinion, stated one of his conclusions to be that the Company had

"substantial legal grounds for the contention that it is a valid railroad corporation, clothed with attendant corporate rights."

The charter was also attacked in 1904, when the company obtained the approval of the Board of Railroad Commissioners for the issuance of stock and bonds.

Mr. Perry, in his affidavit of July 3, 1907, stated that subsequent to the rendering of the opinion of Messrs. Hornblower, Johnson, Graham & Hughes, ex-Judge Alton B. Parker rendered a written opinion to the effect that the charter of the Westchester Company was invalid, and could not be sustained in the courts. Mr. Justice Dayton, referring to this opinion, said, in the course of his opinion, rendered August 17, 1907:

"I have read with much care and instruction the opinion of that eminent jurist now submitted, though unable to discern that he therein states it to be 'his opinion that the charter of the Westchester Company is invalid and could not be sustained by the courts.'"

As to the statement made by Mr. Mellen as to the other horn of the dilemma, namely, the ability of the Port Chester Company, by reason of the hoped for consent of the Board of Estimate, to adopt the Westchester route, it is to be noted that on January 10, 1908, the Appellate Division of the First Department sustained the injunction granted by Mr. Justice Dayton. This opinion was written by Mr. Justice Scott, and concurred in by Justices Laughlin and Clarke. There was a dissenting opinion by Mr. Justice Ingraham, concurred in by the presiding Justice Patterson.

Summing up the legal dilemma which the New Haven Company claims prevents it from going ahead with the work, it appears as to the first horn of the dilemma, namely, the validity of the Westchester charter, that the charter has received eminent judicial indorsements of its validity, and, as to the second horn, namely, the adop-

tion by the Port Chester Company of the Westchester route, that plan has been passed on adversely by the Appellate Division and the trial justice.

VI.

SUMMARY.

The situation may be summed up as follows:

Extending northerly from One Hundred and Seventy-seventh street for a distance of about four and a half miles to the northern boundary line of the City, has lain for years a fine territory, some two and a half miles wide, with a present population of approximately 35,000, and having no transportation facilities save those afforded by the suburban division of the New York, New Haven and Hartford Railroad Company and by the New York and Harlem Railroad and the New Haven road on the extreme eastern and western borders, respectively, and the meagre additional trolley facilities provided by a line running up White Plains Road and Webster Avenue, both on the extreme western edge of the tract, and also by inconsequential lines in the extreme southerly and northeasterly corners of the tract.

Lying immediately north of this New York City tract are Westchester County cities and towns which may be considered New York City territory. South of this tract is the more thickly populated section of The Bronx extending to the Harlem River and south of that is the Borough of Manhattan. Additional railroad facilities being desired, franchises were granted to two presumably competing roads by The City of New York, and certain franchises were also granted to these companies by various municipalities in the Westchester County territory. It now appears that both these enterprises have been consolidated as a part of the New York, New Haven and Hartford Railroad Company's system of transportation, and that this company now states that until there shall come a final decision of the Court of Appeals sustaining the validity of Westchester charter rights or the necessary approval of the Port Chester plan "*little progress can be made.*" It appears also that the decisions of the courts as to the legal points involved in both of the New Haven's plans have been adverse to that company, so far as they are known.

It therefore seems desirable to obtain from the New Haven Company definite information as to the following matters:

First—Why has the work of constructing the Westchester road been discontinued since 1906?

Second—When will the construction be resumed?

Third—When will the section from One Hundred and Seventy-seventh street to the City line be completed?

Fourth—When will the road be put in operation over that section of the route?

Fifth—When will the section of the road from One Hundred and Seventy-seventh street to the Harlem River be put in operation?

Sixth—When will the section of the road from the City line through the Westchester localities be put in operation?

In order to get this information from the New Haven Company, resolutions to that effect are herewith submitted as "Appendix VIII."

ALBERT H. WALKER.

APPENDIX TO REPORT ON NEW YORK, WESTCHESTER AND BOSTON RAILWAY COMPANY.

Appendix I, Showing Routes, is Omitted.

APPENDIX II.

Agreement by Westchester Company Accepting the New York City Franchise.

This memorandum of agreement made this 11th day of August, 1904, between the New York, Westchester and Boston Railway Company, party of the first part, and The City of New York, party of the second part, witnesseth as follows:

Whereas, a certain ordinance entitled "An Ordinance granting to the New York, Westchester and Boston Railway Company, the right to cross certain streets and highways, and to construct and operate a four-track railway above or below said streets or highways of the City of New York," was passed by the Board of Aldermen of The City of New York on the 26th day of July, 1904, and was approved and signed by the Mayor of The City of New York on the 2d day of August, 1904; and

Whereas, In and by section 16 of said ordinance it was provided that "This grant shall not become operative until said railway company shall duly execute, under its corporate seal, an instrument in writing wherein said company shall promise, covenant and agree on its part and behalf to conform to and abide by and perform all the terms and conditions and requirements in this ordinance fixed and contained, and file the same in the office of the Comptroller of The City of New York, within ten days after the adoption of this ordinance."

Now therefore, in consideration of the premises, and of the consent, right or privilege granted, as in said ordinance contained, the party of the first part hereby promises, covenants and agrees to and with the party of the second part, that the party of the first part will, on its part and behalf, conform to and abide by and perform all the terms and conditions and requirements in said ordinance fixed and contained, which, by the terms thereof, are required to be observed and performed by the party of the first part.

In witness whereof, the said party of the first part has caused these presents to be signed by its Vice-President, and its seal to be hereunto affixed, and the execution hereof and its seal to be attested by its Secretary, all in conformity with the By-Laws and with resolutions of the Board of Directors, duly passed.

(Signed) NEW YORK, WESTCHESTER AND BOSTON
RAILWAY COMPANY,

(Signed) SAMUEL HUNT, Vice-President.

[SEAL.]

Attest:

H. C. WINCHESTER, Secretary.

I, H. Carroll Winchester, Secretary of the New York, Westchester and Boston Railway Company, do hereby certify that at a meeting of the Board of Directors of said company, held on the 8th day of August nineteen hundred and four, at which a majority of the directors were present, which meeting was held pursuant to due notice thereof a resolution was duly filed approving of the foregoing agreement, and authorizing the vice-president and secretary to execute the same.

In witness whereof, I have hereunto set my hand and affixed the seal of the said company this 11th day of August, nineteen hundred and four.

[SEAL.]

(Signed) H. C. WINCHESTER, Secretary.

County of New York, ss.:

On this 11th day of August in the year 1904, before me personally came H. Carroll Winchester of The City of New York with whom I am personally acquainted, who being by me duly sworn said, that he resided in said City of New York; that he was the Secretary of the New York, Westchester and Boston Railway Company; that he knew the corporate seal of the said company; that the seal affixed to the within instrument was such corporate seal; that it was so affixed by order of the board of directors of the said company, and that he signed his name thereto by like order as secretary of the said company.

And the said H. Carroll Winchester further said that he was acquainted with Samuel Hunt and knew him to be the vice-president of the said company; that the signature of the said vice-president subscribed to the said instrument was in the genuine handwriting of the said Samuel Hunt; and was thereto subscribed by the like order of the said board of directors and in the presence of him the said H. Carroll Winchester; that William L. Bull the president of said corporation was absent in Europe at the time of the execution of said agreement.

[SEAL.]

(Signed) J. R. WILLIAMS, Notary Public.

Appendix III, Showing Work Done, is Omitted.

APPENDIX IV.

Notes by Engineer Myers as to Work Done on the Westchester Route.

NEW YORK, Jan. 24, 1908

Notes of a trip over the line of the Boston and Westchester Railroad from the corner of West Farms Road and Morris Park Ave., in the Borough of The Bronx, to the Mount Vernon line, made on January 23, 1908.

In general the embankments cuts and bridges of this railroad seem to have been made for four tracks.

The bridges are generally plate girders half-through or deck spans, with columns along the centre lines and curb lines of the streets crossed, and with concrete abutments.

A line of ducts with concrete manholes appears to have been constructed under the road bed. Where bridges occur this duct line is depressed and remains under ground beneath the bridges.

No ties or rails have been laid, except on the bridge over the Boston road where the rails of two tracks are roughly laid in place.

In a vacant lot at the northwest corner of Morris Park ave. and West Farms Road there is a pile of columns and girders. There is a pile of similar material and a pile of fish plates on the east side of the line, just north of the Saw Mill Lane.

Beginning east of Bronx Park a short embankment brings the road to Oakley Ave. This is crossed by a bridge as are White Plains Avenue, near Sagamore street, and Brown ave., somewhat farther east. At the south side of Bear Swamp Road an abutment and some column footings have been built.

North of this point no construction work was seen until a point about 1,500 feet south of Saw Mill Lane was reached. At this point the road is in a shallow cut, which runs out to an embankment just south of the Lane. Here two bridges were found, one evidently over a future street and the second over the Saw Mill Lane and a stream which crosses the lane at this point.

This stretch of the road continues in what appears to be a tangent almost to the Mt. Vernon line where it curves slightly to the west.

East Chester Road is carried above the railroad on a bridge similar to those described. A street paving of asphalt is in use on the bridge. Both north and south of East Chester Road the railway is in deep cut.

North of here and before crossing Boston Road there is much embankment and four bridges have been built seemingly to provide for future streets under the railway.

Another bridge carries the railroad over the Boston Road at a sharp angle.

There is one more bridge (over a future street) before reaching Dyer Avenue.

This avenue, like the Boston Road lies beneath the railway which is carried on a bridge above. Here seems to be the northerly end of the construction work in the Borough of The Bronx. The Mount Vernon line is only a short distance beyond.

Jan. 27, 1908.

JOHN H. MYERS, Eng. 2nd Div.

APPENDIX V.

Statement by The City and County Contract Company as to Legal Difficulties of Westchester Company.

"The City and County Contract Company has not abandoned construction as alleged, although it is not doing any actual construction work at the present time. In the Fall of 1906, and for some time prior to that period it has been obliged to greatly curtail the work of construction for want of necessary right of way. Under the contract between this Company and the Westchester Company, the latter is obligated to condemn any and all lands within the right of way of the railroad, which this Company cannot acquire by purchase. Said condemnation proceedings to be

brought at the request of this Company and to be carried on by Westchester Company in its own name and through its own attorneys and counsel. It became evident many months prior to October, 1906, that the right of way for the railroad contained with the holdings of real estate known as the Morris Park, the Astor, the Van Gasabeck, the Wood and the Laughran properties, could not be purchased or acquired except in condemnation proceedings; and these parcels were so located as to make it impossible to proceed with construction on much of the right of way that we owned, without obtaining the necessary portions of some or all of these parcels, especially through the Astor, Morris and Van Gaasbeek properties. My company notified the Railway Company to condemn and condemnation proceedings were begun, but the Railway Company was never able to make any headway with the proceedings, and, as I am informed and believed, some of these proceedings have been discontinued or are about to be discontinued because the Railway Company never made proper service of the notices of location required by law.

"In each condemnation proceeding an answer was filed attacking the Charter of the Railway Company at every point and denying its right to condemn and the values stated in each answer were so excessive that this Company was unable to deposit the amount necessary to enable the Railway Company to go into possession pending the litigation.

"The Railway Company was never able prior to the Fall of 1906, to obtain a franchise to cross the streets in New Rochelle from the authorities of that City, or to obtain an order from the Supreme Court permitting it to cross streets and highways in the Village of Pelham—although this company assisted it in every way possible; and I am informed and believe that the application to cross the streets and highways in the Village of Pelham has been withdrawn and that the franchise from New Rochelle was granted after said Perry and Thorne are alleged to have secured control of the Railway Company. I therefore state that this Company has not abandoned construction work and that it has at all times been ready and willing to proceed therewith and that all delays in construction and the failure to proceed with the same in an adequate manner have been due to the neglect and failure of the Railway Company to carry out its part of the said contract as above stated."

APPENDIX VI.

Statement by The City and County Contract Company as to Financial Difficulties of Westchester Company.

"The underwriting furnished by the said Syndicate Managers from which payment could be expected never amounted to more than \$8,820,000 in cash—and of this amount persons and corporations subscribing to \$1,205,000, as I am informed and believed, had refused to make any payments whatever and were being sued by the Syndicate Managers, or suits were in contemplation. Of the other \$7,615,000 about \$4,070,000 exclusive of accrued interest had already actually been paid in and expended on the work described in said complaint and for other necessary purposes. More-

over, of the \$8,820,000 underwriting, \$1,500,000, though subscribed to by a third party, was actually financed by my Company. A first call of 20% was made thereon and paid in amounting to \$300,000. This \$300,000 was raised upon the obligations of this company and was the proceeds of the notes referred to in Paragraph Ninth of the complaint—so that in reality the said Syndicate furnished in cash not exceeding \$3,770,000. exclusive of accrued interest.

"In addition to the promissory notes set out in said Paragraph Ninth, this Company was indebted on other promissory notes about to fall due to the amount of about \$600,000. Moreover one subscriber to the syndicate underwriting, the Guarantee Title & Trust Co., Pittsburg, had brought suit in the United States Court of this District to cancel its subscription and obtain a repayment of the moneys paid in by it, the grounds alleged in the petition in said suit, being principally the invalidity of the Charter of Railway Company and the fraudulent representations of the plaintiff herein, made to obtain said subscription.

"It was apparent to all parties interested that no call could be made at the time for a further payment on the underwriting and yet that without such payment this Company would be unable to meet its obligations and would be face to face with the prospect of a receivership, influenced by these considerations and by the desire to save the Company and protect the interest of its stockholders the Board of Directors of my Company made the agreement alleged in paragraph Ninth. I therefore allege that it was the failure of the said syndicate, through its said Syndicate Managers and principally through the failure of said Robinson (the plaintiff herein) to furnish sufficient moneys, that this Company was forced to enter into the said agreement.

"Much of the underwriting was not collectible and this was substituted by subscriptions from Perry & Thorne. On or about May 12, 1907, the Syndicate agreement appointing the plaintiff and his partner Syndicate Managers expired by limitation, and there is now no person to make any call whatever upon the underwriters or to arrange for the payment of further moneys by the underwriters, as I am informed and believe."

APPENDIX VII.

Statement by President Mellen as to Plans of the New York, New Haven and Hartford Railroad Company.

"NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY,
NEW HAVEN, CONN.,
December 31, 1907. }

Mr. JOSEPH HAAG, Secretary, Board of Estimate and Apportionment, City of New York, No. 277 Broadway, New York City:

DEAR SIR—Referring to the resolution of the Board of Estimate and Apportionment adopted December 20, 1907, requiring the New York, New Haven and Hartford Railroad Company to submit to the Board on or before January 1, 1908, a statement in writing setting forth in full all facts relative to the ownership and control by itself or any of its allied interests of Millbrook Company, New York, Westchester and Boston Rail-

way Company, and the New York and Port Chester Railroad Company, individually or collectively, or the franchises granted to the New York, Westchester and Boston Railway Company or the New York and Port Chester Railroad Company, and of its intentions in regard to the construction and operation of the lines of the two last named companies, the said New York, New Haven and Hartford Railroad Company respectfully submits the following:

This company owns all the stock of Millbrook Company, a corporation organized and existing under the Business Corporation Law of the State of New York. The company was organized on or about the 5th day of November, 1906. The total authorized issue of stock of that company is \$100,000, consisting of 1,000 shares of the par value of \$100 each. All of this stock is owned by the New Haven Company.

Millbrook Company in turn since a date prior to July 1, 1907, has owned and now owns 91,581 shares of the stock of New York and Port Chester Railroad Company, being all the stock of that company issued and outstanding, excepting that nine qualifying shares are held by the directors of the company.

New York and Port Chester Railroad Company since a date prior to July 1, 1907, has owned and now owns the following securities of New York, Westchester and Boston Railway Company:

(a) 5,639 shares of the stock of New York, Westchester and Boston Railway Company, par value \$100 a share.

(b) The beneficial interest in 23,489½ shares of stock of New York, Westchester and Boston Railway Company, evidenced by voting trust certificates.

(c) \$13,490,000 out of \$13,500,000 of a certain underwriting agreement calling upon conditions therein stated for \$15,000,000 of bonds and 45,000 shares of stock of New York, Westchester and Boston Railway Company, evidenced by voting trust certificates now held by Knickerbocker Trust Company under the said syndicate agreement of underwriting. All of said underwriting interests, with the exception of \$10,000, are now held by this company, but the same have not yet been paid in full. Upon completion of payments to said underwriting this company will be entitled to 44,967 shares of stock of New York, Westchester and Boston Railway Company, evidenced by voting trust certificates.

It is the intention of the New York, New Haven and Hartford Railroad Company to cause to be constructed a railroad from the Harlem river to Port Chester, consisting of two tracks, from the Harlem river to One Hundred and Seventy-seventh street, four tracks from One Hundred and Seventy-seventh street to the city line, and two tracks from the city line to Port Chester; such road to be high speed electric railroad, in compliance with the provisions of the franchises heretofore granted by The City of New York to the Port Chester Company and the Westchester Company.

The purpose and desire of this company is to construct such railroad upon the best available route between the Harlem river and Port Chester, whether the route already laid down by the New York and Port Chester Railroad Company, or the New York,

Westchester and Boston Railway Company, or the New York, New Haven and Hartford Company.

The plan under which this construction is to be made has not taken final form only because of the resistance by property owners disputing in the courts the validity of the charter of the New York, Westchester and Boston Railway Company. It was hoped that, pending a decision upon this charter, the work of construction might proceed, in so far as it covered that portion of the route from One Hundred and Seventy-seventh street to the city line, by the New York and Port Chester Company under an agreement with the New York, Westchester and Boston Railway Company. For such purpose application was made to your Honorable Board for leave to cross the streets in the Borough of The Bronx upon the route of the New York and Port Chester Railroad Company, as amended.

This attempt to construct promptly has encountered the opposition of one of the stockholders of the Westchester Company, in whose suit an injunction has been granted preventing your Board, at least for the present, from granting the application of the New York and Port Chester Railroad Company.

The New York, New Haven and Hartford Railroad Company has no preference as to the charter finally to be adopted, its only desire being that the road shall be built under the charter of the company, which shall be free from legal question.

The route selected between One Hundred and Seventy-seventh street and the city line is that which this company desires finally to construct, and upon which railroad a considerable amount of work has already been done.

Since the filing of the application for change of route by the Portchester Company, additional property has been purchased between One Hundred and Seventy-seventh street and the city line, and the company has now bought, or arranged to buy, substantially all property between those two points, with the exception of a few pieces, as to which it is evident that it will be necessary to commence condemnation proceedings in order to acquire the necessary right of way.

Until either the Westchester Company, by reason of a final decision by the Court of Appeals sustaining the validity of its charter rights, is in a position to condemn, or the Port Chester, by reason of the consent of the Board to cross the streets on its amended route, is in like position, little progress can be made in this regard.

On December 27, 1907, Judge Charles F. Brown, the referee before whom the proceedings to determine the validity of the Westchester charter were pending in the form of a condemnation proceeding to acquire property of Mrs. Arabella D. Huntington, rendered an opinion sustaining the validity of the charter of that company.

If this charter is finally sustained it is the intention and desire of this company that the New York and Port Chester Railroad Company and the New York, Westchester and Boston Railway Company shall be consolidated or merged in accordance with the provisions of law so as to form one company. Should, however, the decision of Judge Brown be reversed, and the Court of Appeals adjudge the charter of the Westchester

Company to be invalid, the construction of the road will be completed under the Port Chester charter.

The consolidation or merger of these two companies is, of course, subject to the consent of your Board and to that of the Public Service Commission. It is the intention of this company to cause such application to be made as shall be necessary to accomplish that purpose as soon as that situation shall have arisen.

Yours truly,

C. S. MELLEEN, President."

Appendix VIII, being resolutions adopted by the Commission, is printed immediately preceding the report.

(3)

O-275

Upon motion, duly seconded, the following order was adopted:

COMPLAINT ORDER (No. 275).

Scott MacReynolds,
Complainant,

against

Coney Island and Brooklyn Railroad Company,

Defendant.

"Ten cent fare to Coney Island."

The order of the Commission, being Order No. 275, for satisfaction or answer within ten (10) days as to the rate of fare to and from Coney Island, was approved, confirmed and ordered filed in the office of the Commission.

(4)

O-276

Upon motion, duly seconded, the following order was adopted:

COMPLAINT ORDER (No. 276).

Scott MacReynolds,
Complainant,

against

Brooklyn Union Elevated Railroad Company, Nassau Electric Railroad Company, Brooklyn Heights Railroad Company, Brooklyn, Queens County and Suburban Railroad Company, Coney Island and Gravesend Railway Company,

Defendants.

"Ten cent fare to Coney Island."

The order of the Commission, being Order No. 276, for satisfaction and answer within ten (10) days as to the rate of fare to and from Coney Island, was approved, confirmed and ordered filed in the office of the Commission.

(5)

O-275A

Commissioner Bassett moved the adoption of the following order:

COMPLAINT ORDER (No. 275A).

J. Monheimer,
Complainant,
against
Coney Island and Brooklyn Railroad Com-
pany,
Defendant.

"Ten cent fare to Coney Island."

The order of the Commission, being Order No. 275A, for satisfaction or answer within ten (10) days as to the rate of fare to and from Coney Island, was approved, confirmed and ordered filed in the office of the Commission.

(6)

O-276A

Commissioner Bassett moved the adoption of the following order:

COMPLAINT ORDER (No. 276A).

J. Monheimer,
Complainant,
against
Brooklyn Union Elevated Railroad Com-
pany, Brooklyn Heights Railroad Com-
pany, Nassau Electric Railroad Company,
Brooklyn, Queens County and Suburban
Railroad Company, Coney Island and
Gravesend Railway Company, South
Brooklyn Railway Company, Sea Beach
Railway Company,
Defendants.

"Ten cent fare to Coney Island."

The order of the Commission, being Order No. 276A, for satisfaction or answer within ten (10) days as to the rate of fare to and from Coney Island, was approved, confirmed and ordered filed in the office of the Commission.

(7)

O-277

The Secretary presented the following order:

COMPLAINT ORDER (No. 277).

George Fox,
Complainant,
against
Brooklyn City Railroad Company,
Defendant.

"Service in Third avenue."

The order of the Commission, being Order No. 277, for satisfaction or answer within ten (10) days as to service on Third avenue line, was approved, confirmed and ordered filed in the office of the Commission.

(8)

O-278

The Secretary presented the following hearing order, and it was moved and seconded that the same be adopted by the Commission:

HEARING ORDER (No. 278).

In the Matter
of

The application of The City of New York, relative to opening across the tracks of the New York and Putnam Division of the New York Central and Hudson River Railroad Company of West Two Hundred and Thirty-fourth street, in the Borough of The Bronx.

An application having been made by The City of New York under section 61 of the Railroad Law, to this Commission, to determine whether a certain proposed new street, namely, West Two Hundred and Thirty-fourth street, in the Borough of The Bronx, shall pass over or under or at grade of the tracks of the New York and Putnam Division of the New York Central and Hudson River Railroad Company, and application having been made to the Public Service Commission for the First District by The City of New York for the appointment of a time and place for a hearing in relation thereto:

Resolved, That a hearing be had in the hearing room in the office of the Public Service Commission for the First District, at No. 154 Nassau street, Borough of Manhattan, City of New York, at 2 p. m., March 5, 1908, and that at least ten days' notice of the said hearing be given to the proper persons, as required by law.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(9)

O-279

Commissioner Eustis moved the adoption of the following order, which was duly seconded:

HEARING ORDER (No. 279).

In the Matter
of

The hearing upon the motion of the Commission on the question of improvement in and addition to the service of the New York Central and Hudson River Railroad Company and of the New York, New Haven and Hartford Railroad Company, in respect to changes in manner of announcing trains at the One Hundred and Twenty-fifth street station.

It is hereby

Ordered, That a hearing be had on the 9th day of March, 1908, at 11 o'clock in the forenoon, or at any time or times to which the same may be adjourned, at the rooms

of the Commission, No. 154 Nassau street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices, equipment, appliances or service of the New York Central and Hudson River Railroad Company and the New York, New Haven and Hartford Railroad Company, in respect to transportation of persons in the State of New York, are unreasonable, improper or inadequate, and whether changes, improvements and additions thereto ought reasonably to be made in the manner below set forth, in order to promote the security and convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether a change, addition and improvement in regulations, practices, equipment, appliances and service of the said companies, as hereinafter set forth, are such as may be just, reasonable, adequate and proper and ought reasonably to be made to accommodate the passenger traffic offered to them and to promote the convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, that is to say:

Whether the following changes, additions and regulations should be put into effect:

(1) That the said railroads designate an experienced announcer or announcers who shall be on duty at all times at the One Hundred and Twenty-fifth street station for the purpose of indicating to all passengers in the waiting rooms and on the platforms the arrival of all trains, and that a system be adopted and maintained whereby the announcer or announcers shall be informed several minutes in advance of the arrival of each train as to the destination of that train, and that there shall be at all times on the platform for north bound trains at least one man who shall give his entire time to the work of properly announcing trains and giving information.

(2) That the railroads shall cause suitable signs to be properly placed explaining the system of announcing trains and indicating certain officials to whom any passenger may apply for information as to the time of departure of trains and as to the destination of trains.

And if any such regulations, changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine the details of such changes, improvements and additions and to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further ordered, That the said the New York Central and Hudson River Railroad Company and New York, New Haven and Hartford Railroad Company, be given at least ten days' notice of such hearing, by service upon each of them, either personally or by mail, of a certified copy of this order, and that at such hearing said companies

be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(10)

O-255

The Secretary stated that a communication had been received from the Coney Island and Brooklyn Railroad Company, upon final order No. 255, with regard to circuit breakers, notifying the Commission that the terms of the order were accepted and would be obeyed. The answer was ordered filed.

(11)

O-227

The Secretary presented the following communication from the Interborough Rapid Transit Company, upon order No. 227, as to information with regard to train despatchers, the movement of trains, and "trouble reports," which was ordered filed:

INTERBOROUGH RAPID TRANSIT COMPANY, }
NOS 13 TO 21 PARK ROW, }
NEW YORK, February 17, 1908. }

Mr. TRAVIS H. WHITNEY, *Secretary, Public Service Commission*, Tribune Building,
New York City:

DEAR SIR—Replying to Order No. 227 of the Public Service Commission for the First District, the following information will, I think, answer the questions propounded:

(1) Train despatchers are stationed at the following points on the subway and elevated lines:

Subway Division—

Two Hundred and Thirtieth street and Broadway; Dyckman street, One Hundred and Thirty-seventh street and Broadway; One Hundred and Eightieth street and Boston road; One Hundred and Forty-fifth street and Lenox avenue; Ninety-sixth street; Brooklyn Bridge; Borough Hall.

Elevated Division—

Second Avenue Line—One Hundred and Twenty-ninth street, Canal street, South Ferry.

Third Avenue Line—Bronx Park, One Hundred and Seventy-ninth street, One Hundred and Twenty-ninth street, City Hall.

Sixth Avenue Line—One Hundred and Fifty-fifth street, Franklin street, Rector street, South Ferry.

Ninth Avenue Line—One Hundred and Thirty-fifth street, Rector street.

(2) These despatchers do not make a record of the actual time of the train movement past such points.

(3) The train despatchers' duties are to despatch trains. The record of these trains is kept by train clerks in the despatchers' offices.

(4) To furnish the Commission with certified copies of all the train sheets kept on January 21, 1908, on the subway and elevated divisions would be a very large undertaking. Train sheets are not kept in duplicate, and to make copies would necessitate copying four hundred and twenty-one large, finely written sheets, and would require considerable time and the employment of additional forces.

It is hoped that the object of the Commission will be obtained by an inspection of these records, or by our supplying copies of the train sheets for certain specified points and periods.

(5) The General Manager's office is supplied with reports indicating whether the trains on the various lines were or were not being operated in accordance with the schedules, and the causes of any interruption to the train schedule.

(6) Attached hereto are copies of the daily delay reports for the subway and elevated divisions on January 21, 1908.

I hope this statement will supply the information sought by the Commission.

Very truly yours,

(Signed) E. P. BRYAN, President.

(12)

O-280

The Secretary presented the following verified communication from the Brooklyn Union Elevated Railroad Company, upon Final Order No. 257, with regard to the keeping of a wrecking car at the Brooklyn Bridge:

BROOKLYN UNION ELEVATED RAILROAD COMPANY, }
No. 85 CLINTON STREET,
BROOKLYN, N. Y., February 17, 1908. }

Mr. TRAVIS H. WHITNEY, *Secretary, Public Service Commission*, No. 154 Nassau Street, New York City:

DEAR SIR—I beg to acknowledge receipt of Final Order No. 257 on hearing on Order 213 in the matter of wrecking car at the Brooklyn Bridge, and to say in reply that the terms of the order are accepted and will be obeyed with the following exception:

The tools and appliances which have been requisitioned to equip the tool boxes which we propose to install upon the bridge will not be delivered in time to enable us to complete the work by the 1st proximo as specified in paragraph one of the order, and we therefore request an extension of that date to and including April 1, 1908.

Yours truly,

(Signed) J. F. CALDERWOOD,
Vice-President and General Manager.

Commissioner Bassett thereupon moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 280).

In the Matter
of

Regulations, practices, equipment and service of the Brooklyn Union Elevated Railroad Company. "Wrecking train at Brooklyn, terminal of Brooklyn Bridge."

An order of the Commission, No. 257, having been made herein on or about the 11th day of February, 1908, ordering and directing the Brooklyn Union Elevated Railroad Company to install at or in the immediate neighborhood of the Brooklyn Bridge six large boxes of wrecking tools, on or before the 1st day of March, 1908, and the said Brooklyn Union Elevated Railroad Company having applied in writing for an extension of such time,

Now, on motion it is

Ordered, That the time of the Brooklyn Union Elevated Railroad Company within which to install the six boxes above mentioned be and the same hereby is extended to and including the 1st day of April, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(13)

3205

The Secretary presented a communication from James P. Davenport, Chairman of the Legislative Committee of the Sterling Republican Club, of the Twenty-third Assembly District, with regard to Assembly Bill No. 331, providing for the stopping of all trains on the New York Central and other railroads at the One Hundred and Twenty-fifth street station, stating that a resolution had been adopted favoring such stoppage of trains, but suggesting that the matter be referred to the Public Service Commission. The letter was ordered filed.

(14)

2204

The Secretary presented a communication from the Central and Smith Street Board of Trade recommending that every possible effort be made by the Commission to facilitate the building of the Lafayette avenue, Broadway (Brooklyn), and the Lexington avenue subways; endorsing the Commission's recommendations as to the amendment of the Elsberg Law, in support of which it offered to co-operate with other civic bodies, and urging the Commission to hasten the building of the Fourth avenue subway for the purpose of giving employment to the idle, as well as for the transportation facilities to be afforded thereby. The letter was ordered filed.

(15)

Req.

The Secretary presented a communication from Frances Peters, Chairman of the Committee on Parks of the Riverside Branch of the Woman's Municipal League, asking information as to action taken or proposed to be taken toward restoring to their former condition the small parks on Broadway above Fifty-ninth street, and as to whether the Commission had this matter in charge, and offering to co-operate in the matter. The letter was referred to the Chief Engineer for report.

(16)

3050

The Secretary presented the following communication from Bird S. Coler, President of the Borough of Brooklyn, which was ordered filed:

THE CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN, }
BROOKLYN, February 19, 1908.

The Honorable, the Public Service Commission of the First District, No. 154 Nassau Street, New York:

GENTLEMEN—The extreme need in the Borough of Brooklyn of transportation facilities which can only, under the present conditions, be furnished by the construction of new subways here and of at least two additional tubes under the river, compels me to write to your Commission and to plead with you on behalf of the Borough for immediate action, not only on the Broadway and Lafayette loop, but the other pieces of subway construction which have been planned for the relief of the situation here.

There has been so much indirect opposition to the construction of new subways and so much profitless discussion of financial conditions that unless your Commission takes some definite step in the direction of awarding contracts, every project seems likely to be lost in a maze of mystifying controversy. It seems to be altogether beside the question to argue at this time as to whether or not the City has a margin of forty or sixty or seventy million dollars between its debt and its constitutional debt limit, if less than the last of these sums will suffice for the beginning of the work we have to do. I might recall to your mind that the present subway system in Manhattan would not have been constructed had it not been for the Ramapo water scheme which it was attempted to impose upon the City at the time that this subway project was in a critical state. The same cry of debt limit that is now raised against the extension of subways was then raised in behalf of the Ramapo scheme. It was then said that the City had not sufficient borrowing capacity to provide means for the construction of its own water works and that in order to avoid a water famine it would be necessary to accept water upon the terms offered by the Ramapo Company. The public indignation excited by this attempt to loot the City Treasury and the light we were enabled at that time to throw upon the question of debt limit made it apparent that the City had the funds, if it only had the disposition, to build the

subway, and the City administration in order to mollify the public was compelled to proceed with the work of construction.

There does not seem to me to be any material difference between the situation as it then was and as it now is in so far as subway construction is concerned. I am quite convinced that your Commission with its wide powers and with the force of an undivided public opinion behind it can override all the opposition. I am sure that there is neither legal nor financial obstacle in the way. I have had a conversation on this subject with Judge Dillon, who is admittedly the greatest authority on municipal law in this country, and as a result of that conversation I am willing to state unreservedly that contracts for subway construction may be so drawn as to make the additional charge against the debt limit for each year equal only to the expenditure for that year. With such a form of contract the City could undertake at once the construction of every subway in Manhattan, The Bronx, Brooklyn and Queens, which has received serious consideration. I hope that your Commission will see its way clear to asking the advice of Judge Dillon on this matter in order that the contracts may be drawn up in proper form, and that you will, without delay, present for the approval of the Board of Estimate and Apportionment contracts so drawn for work upon all the subways.

While I am on this subject of transportation, I would like to say a few words as to the situation at the Brooklyn Bridge, I have noted in the newspapers the report of Mr. Henry B. Seaman, your Chief Engineer, upon the complete failure of the last expensive plan which was installed upon the Brooklyn Bridge. No matter what statements may be made by the Engineers of the Bridge Department, every one who is unfortunate enough to have to use the bridge in the so-called rush hours knows that Mr. Seaman is right, and that even with the relief afforded by the opening of the Joralemon street tunnel the conditions there are worse now than they were before. You can imagine what the disaster would have been had the inauguration of the new system on the bridge taken place a few days before instead of a few days after the opening of the Joralemon street tunnel which relieved the bridge railroads of about one-third of their passengers. The people of Brooklyn would have been angry enough to mob the responsible officials.

If you will pardon the suggestion, I think it is time for your Commission to take the matter in hand radically and to have a public investigation into the causes of the congestion at the bridge and the various plans of relief which have been advanced and accepted or rejected by the Department of Bridges. I think such an investigation conducted by your Commission will be in a large degree beneficial to the public, as it would reveal some things not generally known as to the failure of the City authorities to solve this problem and the causes of that failure.

Yours very truly,

(Signed) BIRD S. COLER,
President, Borough of Brooklyn.

(17)

O-216

The Secretary presented the following communication from the Staten Island Railway Company, upon Order No. 216, with regard to warning signs, which was referred to Commissioner McCarroll:

February 17, 1908.

Public Service Commission, First District, No. 154 Nassau Street, New York:

GENTLEMEN—Referring to your Order No. 216 to the Staten Island Railway Company relative to subdivision (b) of Section 1, Warning Signs:

I beg to submit blue prints—"A," Electric Bells and Warning Signals; "B," Warning Signals, and "C," Warning Signs, and respectfully ask for the approval of your Board of these highway crossing signs.

Very truly yours,

G. H. CAMPBELL,

Vice-President, the Staten Island Railway Company.

(18)

O-217

The Secretary presented the following communication from the Staten Island Rapid Transit Company, upon Order No. 217, with regard to warning signs, which was referred to Commissioner McCarroll:

THE STATEN ISLAND RAPID TRANSIT RAILWAY COMPANY, }
OFFICE OF THE VICE-PRESIDENT, No. 17 STATE STREET, }
NEW YORK, February 17, 1908.

Public Service Commission for the First District, No. 154 Nassau Street, New York:

GENTLEMEN—Referring to your Order No. 217 to the Staten Island Rapid Transit Railway Company relative to subdivision (b) of Section 1, Warning Signs:

I beg to submit blue prints—"A," Electric Bells and Warning Signals; "B," Warning Signals, and "C," Warning Signs, and respectfully ask for the approval of your Board of these highway crossing signs.

Very truly yours,

(Signed) GEO. H. CAMPBELL.

(19)

1329

The Secretary presented the following resolution; and it was moved and duly seconded that the same be adopted by the Commission:

Resolved, That the Secretary be and he hereby is authorized to execute contracts with the New York Telephone Company, as approved by Commissioner Eustis as Committee on Audit, beginning January 1, 1908, payable quarterly, and subject to the City discount of 25 per cent.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(20)

O-281

Commissioner Bassett moved the adoption of the following order:

COMPLAINT ORDER (No. 281).

Walter Rappelyea Davies, Complainant,
against
Coney Island and Brooklyn Railroad Com-
pany, Defendant.

The order of the Commission, being Order No. 281, for satisfaction or answer within ten (10) days, as to insufficient service on the DeKalb avenue line at Borough Hall, was approved, confirmed and ordered filed in the office of the Commission.

(21)

O-282

Commissioner McCarroll presented the following order:

COMPLAINT ORDER (No. 282).

H. A. Raynes,
Complainant,
against
Staten Island Railway Company,
Defendant.

The order of the Commission, being Order No. 282, for satisfaction or answer within ten (10) days as to service at Great Kills, was approved, confirmed and ordered filed in the office of the Commission.

(22)

1625

The Secretary presented a communication from the Chief Engineer, recommending that the lease for the office at No. 317 Furman street, Brooklyn, New York, be terminated as of March 31, 1908, because of the advanced condition of the work on the East River tunnels, and, on motion, duly seconded, it was thereupon

Resolved, That the lease for the premises occupied by the Commission at No. 317 Furman street, Brooklyn, New York, be terminated as of March 31, 1908, and that due notice be given to the lessor.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(23)

1625

The Secretary presented a communication from the Chief Engineer, recommending that the lease for the offices at No. 59 Pearl street, New York, be terminated as of April 30, 1908, and, on motion, duly seconded, it was thereupon

Resolved, That the lease for the premises occupied by the Commission at No. 59 Pearl street, New York, be terminated as of April 30, 1908, and that due notice be given to the lessor.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(24)

O-283

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 283).

In the Matter
of

The hearing on the motion of the Commission on the question of improvement in and addition to the service of the Long Island Railroad Company, in respect to safety precautions at the grade crossing at Fresh Pond road and Sherman street, Borough of Queens, City of New York.

It is hereby

Ordered, That a hearing be had on the 5th day of March, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices, equipment, appliances or service of the Long Island Railroad Company in respect to transportation of persons and property in the First District are unreasonable, unsafe, improper or inadequate as hereinafter set forth, and whether changes, improvements and additions thereto ought reasonably to be made in the manner below set forth, in order to promote the security and convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether a change, addition and improvement in the regulations, practices, equipment, appliances and service of said company as hereinafter set forth are such as will be reasonable, safe, adequate and proper, and ought reasonably to be made in order to promote the safety and convenience of the public and employees of the railroad, or in order to secure adequate service or facilities for the transportation of passengers; that is to say:

Whether the following changes, additions and regulations should be put into effect:

That the Long Island Railroad Company install, maintain and operate suitable gates, and such other safety precautions as the Commission may deem necessary, for the protection of the public at the grade crossing at the junction of Fresh Pond road and Sherman street, Borough of Queens, City of New York.

And if any such regulations, changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine the details of such changes, improvements and additions, and to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Long Island Railroad Company be given at least ten days' notice of such hearing, by service upon it, either personally or by mail, of a

certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(25)

O-284

Commissioner Bassett presented the following order:

COMPLAINT ORDER (No. 284).

H. B. Corwin,
Complainant,
against
New York Central and Hudson River Rail-
road Company,
Defendant.

The order of the Commission, being Order No. 284, for satisfaction or answer within ten (10) days, as to the condition of tracks and crossings at yards at Thirtieth street, on the west side of Tenth avenue, was approved, confirmed and ordered filed in the office of the Commission.

(26)

The Secretary presented the following vouchers, the bills of which had been duly approved by Commissioner Eustis, as Committee on Audit for the month of February, whereupon, on motion, duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of The City of New York for payment:

Voucher No.	In Favor of.	Services or Material.	Amount.
708.	H. Anderson.....	Janitor service, period from January 15 to January 31, 1908, bill of January 31, 1908.....	\$3 00
709.	Alvah Bushnell Company....	Stationery supplies, bill of February 12, 1908.....	8 00
710.	Burroughs Adding Machine Company.....	Adding and listing machine, bill of January 28, 1908.....	550 00
711.	Dixie Book Shop.....	Books, bill of February 11, 1908.....	6 00
712.	Marion E. Dodd.....	Copying indexes, bill of February 5, 1908.....	13 61
713.	Empire City Savings Bank..	Rent of second floor at No. 231 West One Hundred and Twenty-fifth street, and one room at No. 219 West One Hundred and Twenty-fifth street, for the month of February, bill of February 1, 1908.....	83 33
714.	Estey Brothers Company....	Wire railing, bill of January 25, 1908.....	60 00
715.	Emma Fitch.....	Rent, Second Division office, for the month of February, bill of February 3, 1908.....	83 33

Voucher No.	In Favor of.	Services & Material.	Amount.
716.	Federal Office Equipment Company.....	Furniture, bill of February 10, 1908.....	111 72
717.	Keasley & Mattison Company	Asbestos millboard, bill of February 7, 1908.....	3 44
718.	New York Blue Print Paper Company.....	Prints, bills of January 2 and February 1, 1908..	11 33
719.	New York Edison Company..	Electric current, period from December 18, 1907, to January 18, 1908, bill of February 3, 1908...	5 92
720.	Wm. G. Pigueron.....	Rent, Sewer Division office, for the month of February, bill of February 1, 1908.....	148 16
721.	Pontrichet Black Print Paper Company.....	Blue prints, bill of January 28, 1908.....	5 69
722.	Remington Typewriter. Company.....	Remington ribbons, bill of February 6, 1908.....	7 00
723.	Marvyn Scudder.....	Professional services, Nov. 22, 1907; February 1, 1908, bill of February 1, 1908.....	2,793 23
724.	G. E. Stechert & Co.....	Books and periodicals, (four) bills of January 24, 1908.....	33 62
725.	Frank 'Shepard Company....	Law books, bill of January 28, 1908.....	45 50
726.	Scofield & Co.....	Hardware supplies, bills of January 11 and 20, 1908.....	10 35
727.	Tower Manufacturing and Novelty Company.....	Stationery supplies, bills of December 28, 1907; January 10, 11, 22 and 24, 1908.....	78 50
728.	Union Towel Supply Company.....	Towel service, (four) bills of January 31, 1908....	23 56
729.	United District Messenger Company.....	Messenger service for the month of January, bill of February 1, 1908.....	17 30
730.	W. A. Aiken.....	General Inspector of Material, disbursements for January, 1908.....	132 77
731.	Geo. Hallett Clark.....	Division Engineer, disbursements for January, 1908	21 30
732.	George F. Daggett.....	Chief Clerk, Bureau of Complaints, disbursements for January, 1908.....	106 21
733.	M. J. Farrell.....	Secretary to Chief Engineer, disbursements for January, 1908.....	35 12
734.	H. A. D. Hollmann.....	Auditor, General Office, disbursements for January, 1908.....	93 46
735.	Thomas D. Hoxsey.....	Secretary to Bureau of Gas and Electricity, disbursements for January, 1908.....	40 70
736.	Andrew W. McLimont.....	Electrical Engineer, disbursements for January, 1908.....	59 35
737.	William McCarroll.....	Commissioner, disbursements for January, 1908...	3 75
738.	John H. Myers.....	Division Engineer, disbursements for January, 1908	5 41
739.	Frederick C. Noble.....	Division Engineer, disbursements for December, 1907, and January, 1908.....	26 05
740.	C. V. V. Powers.....	Division Engineer, disbursements for January, 1908	25 01
741.	Amos L. Schaeffer.....	Division Engineer, disbursements for January, 1908	19 98
742.	Oliver C. Semple.....	Assistant Counsel, disbursements for January, 1908	124 92
743.	D. L. Turner.....	General Inspector of Stations, disbursements for December, 1907, and January, 1908.....	478 31
744.	D. L. Turner.....	General Inspector of Stations, disbursements for December, 1907, and January, 1908.....	171 77
745.	D. L. Turner.....	General Inspector of Stations, disbursements for January, 1908.....	31 95
746.	Adna F. Weber.....	Chief Statistician, disbursements for January, 1908	6 35
Total.....			\$5,485 00

The following payrolls were approved by Chairman Willcox:

Voucher No.	In Favor of.	Services or Material.	Amount.
700.	Inspectors of Masonry.....	Week ending February 12, 1908.....	\$1,442 24
701.	Gas Meter Testers.....	Week ending February 12, 1908.....	369 00
	Total.....		\$1,811 24

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(27)

O-285

Commissioner Bassett moved the adoption of the following order, which was duly seconded:

HEARING ORDER (No. 285).

Flushing Association,
Complainant,
against

The Brooklyn Heights Railroad Company,
Defendant.

"Ten-cent fare to Flushing."

Upon the complaint herein and answer of the Brooklyn Heights Railroad Company,

Ordered, That upon the matters therein, a hearing be had on the 9th day of March, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at No. 154 Nassau street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That William B. Parsons, Esq., of No. 44 Wall street, Borough of Manhattan, City of New York, Attorney for the said Flushing Association, and the said Brooklyn Heights Railroad Company, be given at least ten days' notice of such hearing, by service upon each of them, either personally or by mail, of a certified copy of this order, and that at each such hearing they be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid:

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(28)

O-286

Commissioner Bassett moved the adoption of the following order, which was duly seconded:

HEARING ORDER (No. 286).

Frederick Erbe, Henry Saul, Theodore
Blau, Gus. Wernau, Siegfried Frankel
and William S. Waters,
Complainants.

against

The Brooklyn, Queens County and Subur-
ban Railroad Company and the Brooklyn
Heights Railroad Company,
Defendants.

"Ten-cent fare to North Beach."

Upon the complaint herein and answer of the Brooklyn, Queens County and Suburban Railroad Company and the Brooklyn Heights Railroad Company,

Ordered, That upon the matters therein, a hearing be had on the 9th day of March, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at No. 154 Nassau street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said complainants and the said Brooklyn, Queens County and Suburban Railroad Company and the said Brooklyn Heights Railroad Company be given at least ten days' notice of such hearing, by service upon said Frederick Erbe, of North Beach, New York, and upon each of said companies, either personally or by mail, of a certified copy of this order, and that at such hearing said complainants and said companies be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

The Commissioners reassembled at 4 o'clock.

(29)

1840

The Secretary presented the following report submitted by Bion J. Arnold, Special Consulting Engineer, supplementing his preliminary report of November 26, 1907:

LETTER OF TRANSMITTAL.

NEW YORK, February 18, 1908.

Public Service Commission, First District, State of New York, Tribune Building, New York City:

GENTLEMEN—I have the honor to submit herewith my report upon the subway car, supplementing my preliminary report of November 26, 1907.

In the accompanying report will be found an analysis of the various types of cars which seemed to me adapted to subway work.

After studying the conditions surrounding the operation of cars in the present subway, I have reached the conclusion that the present car, when provided with an additional side door located near each end, thus making four doors in each side of each car, will best meet the conditions of the present subway, and that, when these cars are properly operated through the stations as rapidly as the signal system, when modified, as recommended in my report of January 18, 1908, will permit, a marked increase in the capacity and comfort of the subway will be realized.

Respectfully submitted,

BION J. ARNOLD, Consulting Engineer.

THE SUBWAY CAR OF THE INTERBOROUGH RAPID TRANSIT COMPANY OF NEW YORK CITY.

That part of the subway which presumably is of the greatest interest to the traveling public is the design and operation of the car. The tracks and the signal system, the power house and the sub-stations, the transmission lines and the feeder systems, the motors and the repair equipment, although of importance, are of interest mainly to technical observers, and will be discussed in connection with other parts of my report. The passenger, however, who pays his fare is mostly concerned about the convenience with which he can get to and from the car which carries him, the ease with which he can enter or leave this car, and the comfort, speed and safety with which it transports him to his destination, and this part of the report is devoted exclusively to a discussion of the car problem.

The Present Car.

The car equipment at the present time consists of 500 composite cars in which some wood is used, 300 all metal, strictly fireproof cars, and 50 additional all metal cars which have been ordered recently and are now being delivered, making a total of 850 cars. All of the cars are practically the same size, with seats and doors similarly arranged. Each car is 51 feet 2 inches over all in length and 8 feet 7 inches in width, and is provided with 52 seats, 16 of which are cross seats near the centre of the car, with the other 36 seats placed longitudinally near the ends. The cars are as long as the curvature of the tracks will admit, and as wide at the top as the clearance on critical

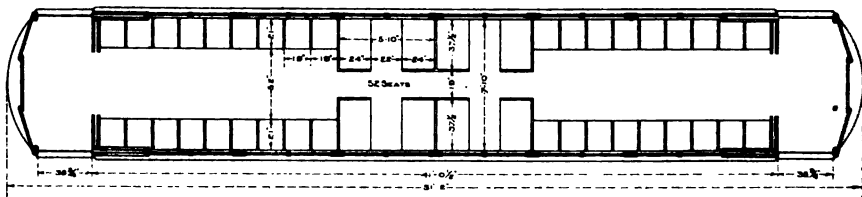


FIGURE 1.

PLAN OF PRESENT SUBWAY CAR, SHOWING SEATING ARRANGEMENT AND SINGLE DOORS AT ENDS.

curves will allow. All the cars have closed vestibuled platforms, with sliding doors, instead of the usual gates. Fig. 1 indicates the seating plan and the general dimensions of the car.

The operation of these cars in actual subway service has disclosed certain fundamental defects in design which should be remedied before the subway can furnish the speed, comfort and capacity which the passenger has a right to expect.

Present Service Supplied.

The distinguishing feature of the subway is the intimate connection between the local and the express tracks. Of the four parallel tracks extending between Brooklyn Bridge and Ninety-sixth street, the two centre tracks are used for express trains running on a time table which requires a schedule speed of nearly 25 miles per hour. Between Brooklyn Bridge and Ninety-sixth street these express trains stop only at Fourteenth street, Grand Central Station and Seventy-second street, and they are scheduled to make this run of nearly $6\frac{1}{2}$ miles, including the three intermediate stops, in 16 minutes. During rush hours, however, on account of excessive station waits and the resulting caution signals, which require reduction in speed, this run usually takes 18 to 20 minutes, and often much longer.

The local trains are scheduled to make this same distance between Brooklyn Bridge and Ninety-sixth street in 26 minutes, the additional 10 minutes being due to the four extra intermediate stops made by the local trains between express stations. In actual service during rush hours the local trains usually require from 28 to 30 minutes, and sometimes more, the delay being caused by the long station waits at the express stations.

At each express station the passenger has the privilege of transferring from the local trains to the express trains, and vice versa, and, to facilitate this transfer, the five express stations are arranged with island platforms between the tracks, so that the passengers can leave the trains of one service, cross the platform and directly enter the cars of the other service, and this privilege is much used and even abused to a great extent.

Owing to the excessive use of this transfer privilege, many passengers, in traveling from their starting points to their destinations, are loaded and unloaded twice, and a large number of them three times, so that many of the passengers use the car doors four times, and some six times, while in an ordinary railroad without the transfer privilege the car doors are used but twice by each passenger.

On account of the excessive use of the doors, the present type of car, which ordinarily gives satisfactory service, has proved to be extremely inadequate for the subway.

Some of the express stations have been built with separate local platforms, but, on account of the confusion resulting from the use of two platforms serving one train, these local platforms have been abandoned and closed up, except at the Ninety-sixth street station.

The express station platforms are nearly all 350 feet long, and at present serve 14 of the 16 doors on one side of an 8-car express train, thus leaving the first and the last doors without platform service. Most of the local platforms are 200 feet long, and are arranged to serve 8 of the 10 doors on one side of a 5-car local train, the first door and the last door of these trains being out of service at all times.

At the time my study of the subway began (October, 1907), the schedule or time table upon which the cars were run called for 30 trains per hour during the rush-hour periods upon both the local and the express tracks south of Ninety-sixth street. Owing to the excessive delays of the trains at the station platforms, the schedule was not maintained, invariably falling to less than 27 trains per hour at Grand Central station during the morning and evening rush. Recent improvements, however, have made it possible, except on very busy days, to get 30 trains an hour through the limiting stations on both the local and the express tracks.

Each express train consists of 8-cars, and each local train of 5 cars, and each car contains 52 seats. Under these conditions, the number of seats per hour which pass a given station are $(30 \times 8 \times 52)$ or 12,480 seats on the express tracks, and $(30 \times 5 \times 52)$ or 7,800 seats on the local tracks.

Actual records show that during the rush hours the cars often carry twice as many passengers as there are seats, and that during the height of the rush period there are times when three times as many passengers are carried on some express cars as there are seats, although the latter condition exists only for short periods of time on very busy days.

Since the opening of the tunnels to Borough Hall, Brooklyn, on January 10, 1908, a schedule or time table has been prepared calling for 40 express trains per hour between Ninety-sixth street and Brooklyn Bridge during the rush periods, this schedule having been adopted in order to provide the Brooklyn extension with 20 trains an hour, corresponding to a 3-minute headway. The delays of the trains at the station platforms, however, have seriously interfered with the carrying out of the improved schedule, and, although there are parts of the system where 40 trains per hour are supplied during certain periods of the day, this rate is not maintained at the critical part of the rush-hour period, the time when it is most needed. *In other words, as soon as the demand for seats increases beyond a certain limit, the supply of seats begins to decrease.*

Analysis of Delays at Station Platforms.

The present arrangement of loading and unloading passengers through the same end doors of the cars is the chief cause for the inefficient operation during the rush-hour period. The crowded condition of the car entrances and station platforms under the present arrangement results in passengers leaving the cars in single file and with considerable difficulty and discomfort. The unloading under such conditions usually requires from 15 seconds to 30 seconds, and in extreme cases 50 seconds, during the most congested period at the principal points of transfer.

Passengers desiring to board the cars must wait until the unloading has been practically completed, unless they wish to force themselves against the outcoming passengers, and this loading must be effected quite frequently through an entrance obstructed by passengers waiting to get off at nearby stations who prefer to hold their positions and thus obtain an earlier and easier exit. It will be seen, therefore, that the streams of outgoing and incoming passengers not only meet, but do so under peculiar and trying conditions, as the same doorway is used for both entrance and exit.

An analysis of the *average* time required by an express train at a station platform during the height of the rush hours shows the following figures:

	Average, Seconds.
1. To open doors of cars after train has stopped.....	2
2. To unload an average of 163 passengers through 14 doors (15 to 50 seconds)	20
3. To load an average of 206 passengers through 14 doors (15 to 30 seconds). ..	20
4. To close the car doors and give the signal by means of bell rope to motor-man	13
5. Total average time of express trains at station platforms between stopping and starting during the height of the rush hours.....	55

Defects in Present Arrangements.

Two of the defects which stand out prominently in the operation of the subway are, first, the excessive use of the transfer privilege, and second, the use of the same end doors in the cars for both the entering and the leaving passengers.

Apparently the only permanent way to improve these conditions is either to reduce or abandon the transfer privilege, or to change the car.

There are several ways in which the transfer privilege could have been reduced or curtailed. For instance, at Grand Central Station and at Fourteenth street, where the greatest amount of transferring is done, separate platforms might have been arranged to serve the local and the express trains, but this would have made it necessary for all passengers wishing to transfer from one service to the other to climb the stairs from one platform to the mezzanine walkway which connects all platforms, and go down again to the level of the platform serving the other train. As the maximum time that can now be saved by transferring from a local train to a northbound express train at Grand Central Station is 4 minutes, and the average time saved by transferring at Fourteenth street is about 6 minutes, and, as it would require on an average 2 minutes of this time to make the transfer on account of the necessity of climbing up and down the stairways, it will be seen that much of the present unnecessary transferring at these two points might have been discouraged by the use of separate platforms.

It is also possible to divide the island platforms longitudinally at certain express stations by means of a central iron fence, which could be provided with gates, to be

closed at such times as it would be absolutely necessary to discourage the present practice of excessive transferring. These gates could be closed, for instance, at the times during rush hours when a local train and an express train both occupy the station platform, so as to make it impossible to rush from one train to another, but they could be open at all other times. With the present narrow platforms, this dividing fence would add considerably to the platform congestion, and thus would interfere with the prompt handling of the passengers, who must necessarily use the station. Unless the platforms were widened these dividing fences would probably cause as much discomfort and loss of time as their use would obviate, and, therefore, with the present subway these fences would not prove to be a comprehensive solution of the transfer problem.

As the public for the past three years has enjoyed the advantages of a simple and ready means of transferring from one service to the other, and as any introduction of difficulties in connection with this process of transferring would savor of the withdrawal of privileges, I am sure that any attempt to improve the service by rearranging the station platforms so that those desiring to change from local to express service, or vice versa, would be delayed, would meet with strenuous objection, and, with the present subway, would not be justified. While it may be contended that such convenient means of transferring *at so many points* should not have been provided, it is my opinion that this principle, having been established, cannot now be withdrawn, and that *the only remedy, therefore, is to change the cars.*

It has been suggested that even with the present car the passengers could be made to enter at one end door and leave at the other end door, but when it is considered that passengers leaving the train at the express stations under this regulation would be forced to push their way past every standing passenger throughout the entire length of the car, and that this discomfort to all would be constantly recurring during the rush hours, it can be understood that this solution of the difficulty would be neither popular nor efficient. Furthermore, if the entering passengers were to be confined to the use of one door in each car, and the leaving passengers to the other, the number of entrances to the train would be cut from the present number of 14 to a maximum of 8 doors, and the exits likewise reduced. This would be a disadvantage, particularly at Fourteenth street, where the great majority of passengers using the car doors of the local trains are leaving passengers, and those using the express trains are entering passengers. Moreover, since the present station platforms are not long enough to serve the doors at the extreme ends of an 8-car train, it would be impracticable to establish a circulation in the end cars.

The present car works very well during periods of light and fairly heavy travel, but as soon as it is called upon to carry upwards of 100 passengers the single-end doors become a decided disadvantage, and their inefficiency in handling large crowds seriously interferes with the prompt movement of the trains. It might be maintained that all of the passengers who *should* be carried in the cars can enter and leave the present end-

door cars within the time to which the station waits should be limited, and that any further loading of the cars should be prohibited and prevented. If there were other ample and equally as good means of transportation paralleling the subway, this regulation of the amount of loading would be a practical solution of the difficulty, but until other subways are built, the people will demand transportation in the present subway even at the sacrifice of comfort, and, therefore, every effort should be made to give transportation to as many as possible. *As the limit of capacity under present circumstances will be the maximum carrying capacity of the car, it is essential that a type of car be used in which this limit can be easily and quickly reached.* In order to accomplish this purpose it is clear that the ease of loading will be greatly increased when the entrance is cleared to a great extent of passengers waiting to leave the car. Passengers could be handled with greater ease and comfort by having separate doorways for exit and entrance and the process of unloading and loading should take place simultaneously, thus reducing the station wait now required by nearly or quite one-half. To state the case briefly, the principal defect in the present car is due to the fact that a definite and ready circulation of traffic is not provided for and that owing to the lack of sufficient doors properly located the maximum carrying capacity of the car cannot be easily and quickly reached.

Possible Improvements.

In my preliminary report reference was made to the excessive time required by the express trains at the station platforms during rush hours, which the record showed to be 65 seconds at that time (November, 1907). Suggestions were therein made with the idea of limiting these station waits, if possible, to 45 seconds. Many of these suggested improvements have been put in operation, but the subway officials are of the opinion that it is impossible to confine the waits to the 45-second limit suggested in that report. Their very commendable efforts, however, in improving the service have resulted in cutting these station waits down from an average of 65 seconds to an average of 55 seconds.

In the preliminary report referred to, I pointed out the fact that if the wait at the station platform could not be limited to 45 seconds by efficient methods of handling the passenger traffic, it would be necessary to consider an improved type of car which would accomplish this result. As the station waits have not been thus limited by the subway officials, and, further, as it is their opinion, as expressed in their reply to my preliminary report, that it will be impossible to always limit these waits with the present type of car to the 45 seconds, it is necessary to consider a car designed so that it will considerably reduce the present platform delays.

In my study of the signal system I found that the trains can be run *between* stations on a headway of 90 seconds, or at the rate of 40 trains per hour. However, on account of the delays at the station platforms and also on account of the arrangement of the signals on the tracks approaching the stations, it is just possible under present conditions to pass 30 trains an hour *through* the busiest stations during rush hours.

Changes in the signal system were pointed out which would make possible a headway of 105 seconds (34.3 trains per hour), even with the present car, and still allow a station wait of 50 seconds. If the platform delay can be reduced to 35 seconds and the signal system improved as suggested, then it will be possible to get the trains through the limiting stations in 90 seconds, thus maintaining a headway of 1½ minutes, corresponding to the capacity of 40 trains per hour, which is the maximum rate at which the signal system between stations will allow trains to pass.

To secure the desired capacity of 40 trains per hour *without making any changes in the signal system*, will require that the station wait be limited to 20 seconds. To thus limit the time required for unloading and loading the passengers and for opening and closing the car doors and transmitting the starting signal to the motorman to 20 seconds, means an entirely different type of car than that used at present and a rearrangement of the stations, as this result could not be accomplished without the use of a large number of doors along the entire length of the car and suitable gates for preventing an excessive number of passengers reaching the car at any one time. In other words, *if the present arrangement of signals is retained*, the only possible way to secure an increase in the capacity of the subway from 30 trains per hour to 40 trains per hour is to scrap or use elsewhere the entire subway car body equipment and build new cars at an expense of at least \$5,000,000, and to rearrange the present platforms, which is practically prohibitive.

If on the other hand the signal system can be improved in such a way that even the present trains can be passed through the stations on a headway of 105 seconds (1¾ minutes) it will require only a comparatively simple alteration in the car to reduce the allowed stop of 50 seconds to 35 seconds and thus secure the 15 seconds' saving which will make the desired 90-second headway possible. The most economical and efficient as well as the quickest way, therefore, to secure a capacity of 40 trains per hour in the subway is *to improve the signal system* (as recommended in my report of January 18, 1908) *and at the same time alter the present cars sufficiently* to limit the platform waits to a maximum of 35 seconds. It should be understood that this 35 seconds is a limit which, if exceeded, would at once affect the headway, and that the average platform delay should be somewhat less than this limit in order to provide a leeway for operating exigencies.

To secure this result it is evident that the loading and the unloading must be carried on at the same time. Some improvement should also be expected from the use of pneumatic door-handling equipment and an electric door signal. These changes should easily bring the actual wait at the station platform down to the following figures:

	Seconds.
1. To open doors after train stopped.....	2
2. To unload 163 passengers through 14 doors, and to load 206 passengers through separate doors, both processes being carried on at the same time	20

	Seconds.
3. To close doors and give signal to motorman.....	8
4. Total <i>average</i> time of trains at express stations during rush hours should not exceed	30

Arrangement of Seats.

From the foregoing discussion it is plain that in order to run 40 trains per hour through the subway, it is essential that more door openings be provided than are found in the present cars.

There are a number of different types of cars which will provide extra doors, thus reducing the station waits and increasing the present number of cars which can be run through a station during rush hours. Each type, however, will allow for a number of different arrangements of the seats, and therefore before taking up the most desirable location of these extra doors, it will be well to discuss the arrangement of seats in order to determine how best to utilize the additional carrying capacity provided by the increased number of trains.

Before determining upon the proper arrangement of the seats, the question of policy submitted to your Honorable Commission in my preliminary report of November 26, 1907, must be decided. In that report I requested a decision upon whether the capacity of the subway should be limited to the number of passengers who could be carried if the cars contained the maximum number of seats, or whether it would be preferable to sacrifice somewhat the possible number of seats, thus providing a relatively larger amount of standing room and correspondingly increasing the total carrying capacity.

Not having been instructed by you upon this subject, in order to complete my report upon the subway car, I take the liberty of suggesting the following policy for your consideration:

It seems to me that it should be the aim to eventually provide a seat for every long-haul passenger, but until this can be at least approximated by the construction of additional subways or other transportation lines, it will be necessary to furnish transportation for *all*, even though existing conditions compel many passengers to stand during rush hours. While it seems at present impracticable to provide seats for all except during non-rush hours, *every possible improvement that tends in this direction consistent with justice to the subway company should be made*, in order to gradually reduce the proportion of standing passengers to those seated, and *no change should be allowed which will reduce the total number of seats per hour now provided by the subway cars.*

It has just been pointed out that the maximum number of cars per hour can be secured only by the introduction of additional side doors in the cars. Although these extra doors may slightly reduce the seating capacity *per car*, their use should so limit the station waits that the total seating capacity carried by a station within a given time is not reduced from the present number of seats. In other words, *the rule should be*

that the increased number of seats made available by the extra cars must be at least equal to the total number eliminated on account of the space occupied by the extra doors.

Owing to the overloaded condition of the subway it will be necessary for the present to utilize the extra carrying capacity made available by the additional cars for standing passengers, until such a time as additional subways can be built. If these subways are built sufficiently in advance of the demand for subsurface transportation, a part of this extra space can eventually be fitted with seats and thus approach nearer to the condition of a seat for every passenger.

If 40 trains of 8 cars each are passed through a station each rush hour, each car having additional doors to provide for the more comfortable and rapid handling of the passengers, it will require but 40 seats per car to provide the same number of seats that are at present supplied by 30 eight-car trains per hour. The new cars, therefore, should not have less than 40 seats. Any greater number of seats than 40 per car will indicate a corresponding increase in the total number of seats available.

The number of seats which can be placed in a car depends upon the type of seat, and there are three kinds of seats which by common use have become standard practice in cars of the subway type.

The *longitudinal seat* usually occupies a space 19 inches in length along the side of the car. This type of seat has long been in use in surface cars, in many elevated cars and in the ends of the present subway cars.

The *cross-seat* of the "back-to-back" type has been adopted for use in the centre of the cars upon a number of elevated urban roads and for the present subway car. As the elbow of the passenger occupying the seat next to the aisle can encroach upon the aisle space, only 18 inches in width is required for each passenger. The space between the seat cushions varies from 14 inches to 30 inches, a fair average being from 18 to 20 inches.

The *cross-seat* of the "walk-over" type is being quite generally adopted by the interurban electric roads and by a number of city lines. A width of 17 inches per passenger makes the seats 34 inches wide, although in some instances, such as the new cars now in use in Chicago, the seat is 36 inches. The distance from the centre to centre of back varies from 27 inches to 36 inches—a fair average for a properly designed seat being about 30 inches.

The advantages and disadvantages of the various kinds of seats are pointed out in discussing the possibilities of seating arrangements in the different types of cars which are shown as most suitable for subway conditions.

Types of Subway Cars.

A successful car for the present subway should possess as many as possible of the following requirements:

1. Separate entrances and exits.

2. A space which can be cleared so as to be ready to quickly receive the passengers boarding a car.
3. Convenient means of circulation inside the car.
4. Standing-room space contiguous to the exits.
5. As many cross-seats as practicable.
6. Exit and entrance doors sufficiently removed from each other to allow for the car stopping convenient to guiding rails on the platforms.
7. Doors located so as to minimize the danger from open spaces at curve platforms.

The various cars may be classified in accordance with the number of doors in the sides of the cars as follows:

- Cars with central side door and end doors.
- Cars with two quarter side doors.
- Cars with three doors near centre.
- Cars with multi side doors.
- Cars with double doors near ends.

Each one of these types may have seats of either the longitudinal, the cross "back-to-back," or of the "walk-over" style, or a combination of two or more styles, as will be shown more in detail as the cars are described.

Cars With Central Side Door and End Doors.

It has often been suggested that cars provided with an additional door in the centre of each side would at once do away with the conflict of passengers which now takes place at the present end doors of the cars, and at the same time, by providing additional door space, materially reduce the station waits.

The present cars could be altered to provide central side doors. I have made a number of studies of details of construction and general arrangement of seats applicable to a car of this type. I find that at present the all-metal cars can be rebuilt at an expense of \$2,000 per car, and the composite cars altered at a cost of \$1,500 per car. These figures contemplate the reinforcing of the sides of the car and the trussing of the under frames in such a manner as to leave the changed cars practically as strong as the present car. The weight in both cases will be slightly increased by the introduction of the central side doors in the present car.

Cars of this type have been in use on the Brooklyn Bridge shuttle trains for many years. They have recently been introduced for subway and elevated service in Boston and Philadelphia, and have been adopted by the Hudson companies for use in the new tunnels between Manhattan and Hoboken.

The Hudson and Manhattan Railroad Company's cars are fireproof cars with central side doors, and at the same time weigh less than the present subway end-door cars, demonstrating that if desired, future cars can be built with central side doors without excessive weight and at the same time possess the fireproof qualities desirable for subway cars.

In the Brooklyn Bridge shuttle-train service, the cars were unloaded onto one platform and then loaded from a separate platform, thus avoiding the conflict of passengers, which is such a noticeable feature of the subway. The advantage of the centre door in this case was simply that of additional door space, and for the Brooklyn Bridge conditions the location of this extra door space in the centre of the car side was most advantageous. At the time the shuttle trains were abandoned on the Bridge on account of running the Brooklyn elevated trains directly into the terminal at the Manhattan end of the Bridge, the lack of this extra door space in the present elevated cars was decidedly noticeable, emphasizing the fact that the cars of the single-end door type are not adapted for handling the New York City rush-hour crowds.

No difficulty in connection with maintaining a circulation of passengers was experienced with the central door cars on the Bridge on account of the arrangement of separate loading and unloading platforms, so that little can be learned from the operation of these cars on the Bridge that can be applied to the study of the car problem of the present subway.

In Boston the conditions are more nearly similar to the subway service, although the excessive transfer of passengers at the stations is lacking. In many stations, however, passengers now enter and leave the cars, using the same station platform, and, in order to avoid the conflict between these two streams of passengers, an effort was made, when the central-door cars were first put into commission in Boston, to set up a circulation by making it the rule for passengers to enter this car at the end doors and leave by the centre door. Signs were posted in the cars, and at the same time the car guards and station attendants were instructed to carry out this regulation, but the effort has proven to be futile. It has been found that the Boston passengers could not be controlled sufficiently to maintain this much-desired circulation. Some passengers would persist in getting off through the end doors, while others would insist on getting on the cars through the central doors, thus causing considerable annoyance to passengers who were endeavoring to obey the rule, and ending generally in confusion. The operation of the cars in actual practice, therefore, has finally resulted in partially reverting to the old plan of allowing passengers to leave and enter the same door. Under these circumstances, the extra door in the side of the car has reduced the conflict of passengers by providing additional door area, resulting in somewhat decreasing the station waits, although the time of these station waits has not been reduced much below that found in the present New York subway service.

With the Boston experience in mind, it is hard to see how the car of the central side-door type would greatly relieve the New York subway conditions, on account of the usual excessively congested condition in the cars during rush hours. When a passenger boards one of these crowded cars with the intention of getting off at the next station, he should not be compelled to push himself through the standing passengers in the car in the short time which it takes to run between stations, and even if this circulation in the car could be maintained, the movement of the passengers from

the end door to the central door would become an objectionable feature, causing nearly as much discomfort to the passengers and delay to the trains as the present method of operation with the single end doors. It would, therefore, seem that to attempt to compel all passengers to maintain circulation by entering the end doors and leaving by the central door would not be effective under the congested condition of the present subway.

The Hudson and Manhattan Railroad Company's cars will operate under conditions very similar to the Brooklyn Bridge terminal service; that is, a large majority of the passengers will get on the cars at the stations at one end of the line and get off at the stations at the other end. In such service it is not essential to maintain a circulation of passengers in the car, as the transfer privilege is not a factor to be contended with. Under these circumstances, the central side door, cutting down as it does the average length of time required by a passenger to reach a seat, and at the same time furnishing a wider door space, will add materially to the comfort and speed with which the passengers can be handled. *The successful use of the central side-door car in terminal work, however, does not furnish a precedent which demonstrates that this type of car would be satisfactory under subway conditions*, whereas the failure of the centre-door car on the Boston subway to reduce the length of stop to much less than the time required in the New York subway, even with the present end-door cars, does not furnish any encouragement toward rebuilding the present subway cars so as to provide them with central doors.

The difficulty of operating the central side-door car in the present subway with curved platforms at many stations has been often pointed out by the subway officials. There is no doubt that the use of these curved platforms, even with the present type of car, is a source of danger and the cause of considerable delay, both of which could have been avoided if the platforms had been built with straight edges.

The stations at which the curved platforms would give trouble with a central door in the side of the car are shown by the following table, which also gives the minimum radius of the platform curves and the width of the open spaces at the centre of the car between the platform and side of the car:

Station.	Minimum Radius of Plat- form Curvature.	Width of Spaces Between Car and Platform at Centre of Car.
City Hall	147 feet	26 inches
South Ferry	191 feet	24 inches
Fulton Street.....	250 feet	16 inches
Brooklyn Bridge	410 feet	12 inches
Worth Street	480 feet	10 inches
Fourteenth Street	485 feet	10 inches
Times Square	452 feet	11 inches
One Hundred and Seventy-seventh Street.....	470 feet	10½ inches

At many of these stations it would be necessary if a central door car is used to provide a sliding platform similar in operation to the ones used in the Boston subway and also at the South Ferry station of the Manhattan elevated. In future subways it is possible to obviate the necessity for these sliding platforms either by avoiding the use of a curved platform or by designing the under framing of the car in such a way that the station platforms could project under the car body. These solutions, however, are not available for use with the present subway car, and the introduction of an additional door in the centre of the present car would, therefore, mean the use of sliding platforms at a number of the stations where the cars stop at curved platforms of which the edges next to the car are concave.

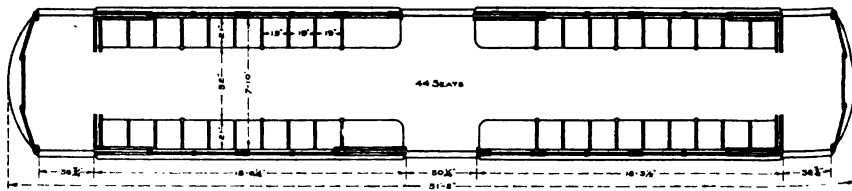
The present platforms have been built of sufficient length to serve only one door of each end car of each train, and the end cars, therefore, lap over the end of each platform. To get the full benefit of the introduction of central doors in the sides of the cars, it would be necessary to extend each platform at least 50 feet. There are no difficulties, however, in accomplishing this extension, except the matter of expense, which would be considerable, on account of the inconvenience of carrying on the work and at the same time keeping the subway trains in operation, but this expense and inconvenience could not, in my judgment, be justified by the advantages gained.

With the central side-door car it would be expected that the train guard, who now opens and closes the doors from his position between two cars, would experience difficulty in operating the additional centre doors, particularly during rush hours, but as station attendants are now provided at express stations for handling passengers at times of heavy traffic, this difficulty should not be serious.

Several possible arrangements of seats with a central side-door car are shown on the following pages. The number of seats above the minimum of 40 seats previously established indicates at once the increase over the present seating capacity secured by each car.

FIGURE 2.

CAR WITH CENTRAL SIDE DOOR AND END DOORS. LONGITUDINAL SEATS (44 SEATS).



CAR WITH CENTRAL SIDE DOOR AND END DOORS.

(Figure 2.)

Longitudinal Seats.

(44 Seats.)

The seating arrangement in this car is similar to that used in the Hudson tunnels, the Boston and the Philadelphia subways, and the Brooklyn Bridge cars. Side doors

can be introduced in the present subway cars, as indicated by Fig. 2, which shows the plan of the present car altered to a car with a central side door.

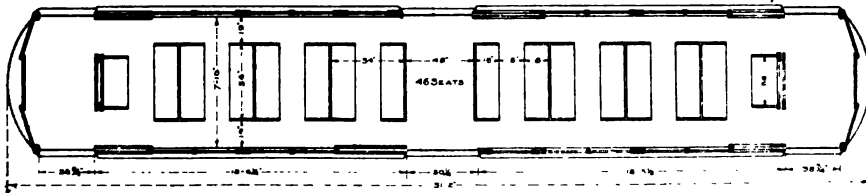
This design contemplates the removal of all of the cross seats found in the present car. A number of partitions can be placed between the seats, as is done in the Hudson tunnel cars, which will compensate in a degree for the removal of the cross seats. The vertical hand rods can be introduced, which will be more convenient for the support of standing passengers than the usual straps.

With the circulation idea maintained, the distance which each passenger must move in getting to and from a seat is the same in every case, so that with this car all passengers are treated exactly the same, and there is no advantage of position or comfort to be secured by crowding.

This car allows the most effective arrangement of seats and standing room that can be devised. All seats are equally good, thus removing the objection of having three kinds of seats, as found in the present subway car. The rates of acceleration and retardation in the subway, although rapid, are accomplished smoothly, and very little fault can be found with longitudinal seats, although it must be admitted that seats of this kind are not as popular as cross seats.

FIGURE 3.

CAR WITH CENTRAL SIDE DOOR AND END DOORS. (USING PRESENT SUBWAY CAR BODY.)
CROSS SEATS BACK TO BACK WITH TWO AISLES. (46 SEATS.)



CAR WITH CENTRAL SIDE DOOR AND END DOORS.

(Figure 3.)

(Using Present Subway Car Body.)

Cross Seats Back to Back With Two Aisles.

(46 Seats.)

This car combines a car of the central side door type with the style of seating used in the Illinois Central suburban car. Two seats more per car than is provided by the longitudinal seat plan are secured by this arrangement, but at a considerable sacrifice in the efficiency of the standing room.

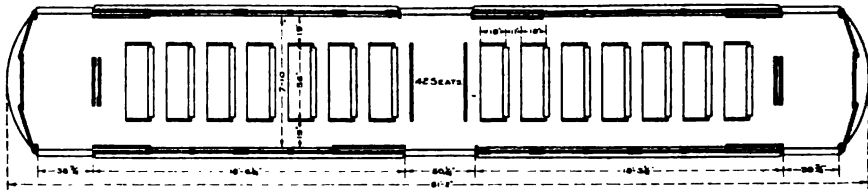
The location of the standing room in the center of the car next to the exit will have a tendency to make passengers "move up in the car." The backs of the seats at

this point will give something solid to lean against, thus making this standing space somewhat more comfortable than in the longitudinal seat car.

Half of the seats in this car "ride backward," and this may be considered objectionable by some passengers. In the subway, however, riding backward is not as uncomfortable as in a car running in the open. In the subway the eyes are occupied with objects inside the car, while in a surface or an elevated car a disagreeable sensation may be caused to a passenger riding backward by looking at objects which are receding from him. Owing to the use of seats of the "back-to-back type" on the present subway cars, upon many of the elevated cars, and upon Pullman coaches, the public is becoming educated to ride backward, and the fact that seats of this type do not involve turning over at the stub-end terminals gives this arrangement quite an advantage from an operating standpoint.

Owing to the narrowness of the aisles this car is not well adapted for the easy circulation of passengers during rush hours.

FIGURE 4.
CAR WITH CENTRAL SIDE DOOR AND END DOORS. (USING PRESENT SUBWAY CAR BODY.)
CROSS SEATS OF "WALK-OVER" TYPE WITH TWO AISLES. (42 SEATS.)



CAR WITH CENTRAL SIDE DOOR AND END DOORS.
(Figure 4.)
(Using Present Subway Car Body.)
Cross Seats of "Walk-Over" Type With Two Aisles.
(42 Seats.)

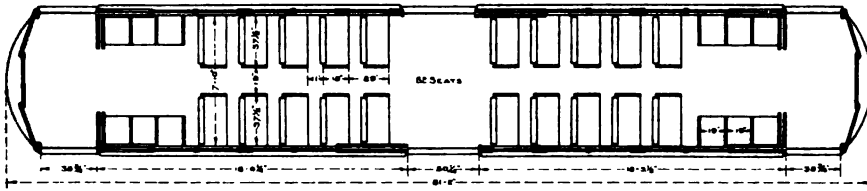
In this car all seats are arranged so that passengers can "ride forward," which will make it necessary for the train guards to turn the backs of the seats at all stub-end terminals. It will be necessary to limit the space between seats to 29 inches in order to provide a central standing room space as well as a cross-over aisle at each end of the car. If a greater space between seats is allowed, either this standing room must be reduced and the aisle removed, or some of the seats sacrificed. In any event the car cannot be made to compare favorably with the "back-to-back" cross-seat type.

To make the centre seat of a bank of three seats acceptable, it must be made easy of access and egress, as the passengers naturally take the outside seats first, which makes it inconvenient to get in and out of the centre seat.

To use the "walk-over" type of seats, therefore, with two aisles, would practically mean a reduction of seating capacity of this type of car to 36 seats, instead of 42 seats, shown in Fig. 4. The inefficient use of room, therefore, with the "walk-over" cross seats and the extra care required for the operation of seats of this type are objections which would prevent the adoption of such a car.

FIGURE 5.

CAR WITH CENTRAL SIDE DOOR AND END DOORS. (USING PRESENT SUBWAY CAR BODY.)
CROSS SEATS OF "WALK-OVER" TYPE WITH ONE AISLE. (52 SEATS.)



CAR WITH CENTRAL SIDE DOOR AND END DOORS.

(Figure 5.)

(Using Present Subway Car Body.)

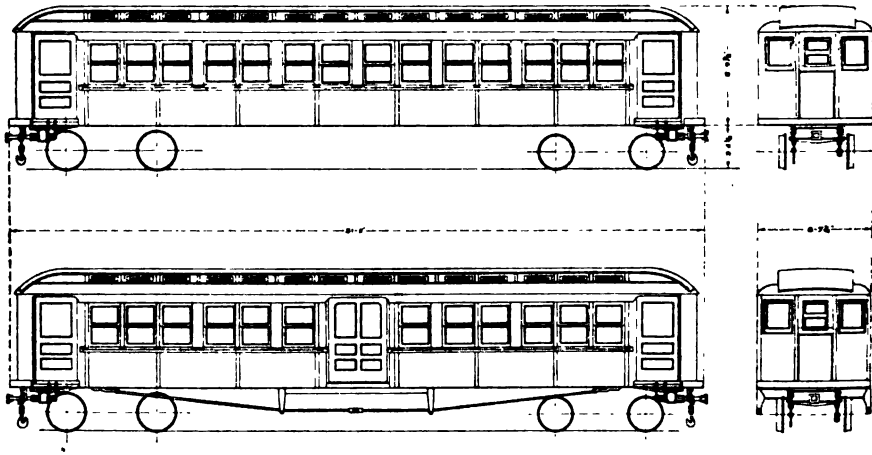
Cross Seats of "Walk-Over" Type With One Aisle.

(52 Seats.)

If a single aisle is used a very satisfactory seating capacity with the present subway car fitted with central side doors can be obtained by using cross seats of the "walk-over" type, spaced in the car without reference to the present windows. The seat spacing can be rearranged much better with the seat of the "walk-over" type than with a seat of the "back-to-back" type, as the former is not required to fit the framing of the car.

The average passenger appears to prefer a "front-facing" seat, and this car provides the maximum number of seats of this kind. If a sufficient number of cars could be passed through the subway to keep the standing passengers down to 50 passengers per car, there is no doubt that a car of this type would give excellent satisfaction, but as soon as this car is called upon to carry 100 passengers standing in addition to 52 seated passengers, the congestion in the long, narrow aisle will slow down the movement of passengers inside the car, and the car would then unload slowly and neutralize advantages gained by the introduction of the central door.

FIGURE 6.
SHOWING PRESENT CAR BEFORE AND AFTER BEING ALTERED INTO A CAR WITH CENTRAL
SIDE DOORS.



Car With Two Quarter Side Doors.

Upon roads where the traffic is not as heavy as in the subway, a type of car with two doors, each located about one-fourth the length of the car from the end, is sometimes advocated. This type of car would have as many doors as the present end-door car, but the doors dividing the car into quarters would give the quarter-door car the advantage of providing the shortest average distance from the door to the seat. This car would therefore cause the passengers to occupy the centre of the car and thus use the entire length of the car more effectively than it is now used in the present end-door type.

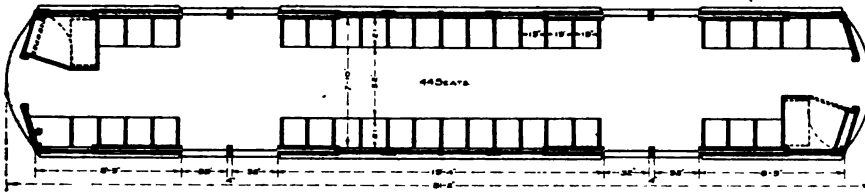
With cars of this type, each door should be of double width, if it is to accommodate subway traffic, so that two streams of passengers could pass through the doors at the same time; that is, at each quarter of the car there would be practically two doors. The circulation may be provided for by using one set of doors as entrances and the other set as exits. There would be no objection to a division post in the centre of the double door with this type of car, as the door openings are large enough to require two separate doors, each of which could close toward the dividing post, and thus do away with the danger of a sliding door opening past the middle post. Owing to the distance of the doors from the end of the car the same difficulties at curved platforms would be met that are encountered with the centre door car.

The location of the train guards would be a problem with this type of car, as these guards could not work to advantage from between the cars as at present. If the guards are moved into the car their most effective location would be at the centre of the side of the car, from which position they could not only control the movement

of the doors but also encourage the circulation of the passengers from the rear toward the front exit door.

FIGURE 7.

CAR WITH TWO QUARTER SIDE DOORS. LONGITUDINAL SEATS. (44 SEATS.)



CAR WITH TWO QUARTER SIDE DOORS.

(Figure 7.)

Longitudinal Seats.

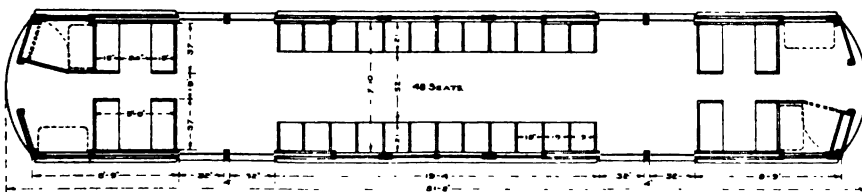
(44 Seats.)

It would be difficult to alter the present car frame so as to introduce the wide doors shown in Fig. 7 without making the car considerably heavier than at present or sacrificing its structural strength, and this latter expedient would not be advisable.

Except for the fact that all the passengers entering one car must gather at one place on the platform, and that, therefore, the inevitable crush would take place in loading, this type of car has many advantages. This car, however, would work much better during non-rush hours than during rush hours. It would be difficult to maintain a circulation of passengers into one door and out the other as soon as the space in the car between the doors became filled with standing passengers. As soon as passengers on the platforms desiring to enter the car become blocked at a time when the exit doors were empty and open, there would be a rush to board the car through the exit doors, as has been proven by the experience with the Boston public. The only way to control the circulation with this car would be by means of platform railings. At stations where it is desirable to divide the Broadway patrons from the West Farms patrons, as is now done at Grand Central, this type of car would not lend itself to a satisfactory division of the platform space, as the doors would bring the passengers leaving one train into conflict with passengers on the platform waiting for the next one.

FIGURE 8.

CAR WITH QUARTER SIDE DOORS. CROSS AND LONGITUDINAL SEATS. (48 SEATS.)



CAR WITH QUARTER SIDE DOORS.

(Figure 8.)

Cross and Longitudinal Seats.

(48 Seats.)

A certain number of cross seats could be introduced in the quarter-door car, and these cross seats could be placed to advantage in the ends of the car. Such an arrangement would leave the central part of the car free, so as to provide the two open standing spaces contiguous to the entrance and to the exit doors. The location of the cross seats with the one central aisle at both ends of the car leaving the two standing spaces near the doors connected by a broad aisle between the longitudinal seats in the centre of the car, is an arrangement which should materially assist the circulation in the car from entrance to exit.

Passengers who are slow in leaving the cross seats in the rear of the car would no doubt have some trouble in reaching an exit, as they would encounter the stream of entering passengers.

Either type of cross seat could be used with this car, though there is some preference for the "back-to-back type," as the back of such seats would present a substantial support convenient to the door openings. The vertical post idea could be advantageously used to make the standing room in this car comfortable.

If future subways could be constructed sufficiently in advance of the demand for them, then this type of car could be used to good advantage, and cross seats could be substituted for the longitudinal seats. Under present conditions, however, there would be a temptation to move in the other direction and fold up the longitudinal seats during rush hours, thus providing increased standing capacity.

Cars With Three Doors Near Centre.

The objections to a car with a central side door, on account of the difficulty which might be experienced by the train guard in controlling the centre door from his position between the cars, could be removed by locating the end doors nearer a central door, thus providing practically a large door in the centre of the car with two smaller doors, one between the centre and each end of the car. This arrangement would also be an improvement over the quarter-door car, as with three doors the moving passengers would be divided into three groups instead of two.

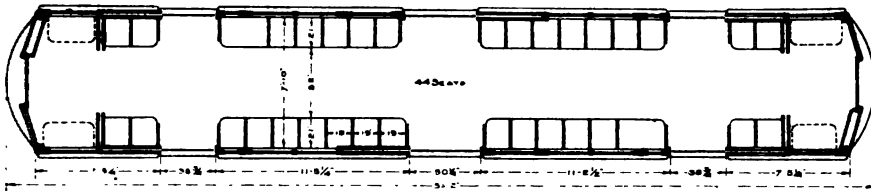
This car should be provided with a separate guard for each car, and this guard should be located so that he can see along the side of the car in one direction, and thus be in a position to quickly close all doors at once.

A circulation with this car can be set up in either direction. In maintaining a circulation, however, this car would not have the advantage of a space such as a platform which could be cleared of passengers while moving between stations, so as to provide an opening space for the entering passengers, as with cars of the end-door type.

The door openings being on the centre and near the quarter lines of the car, would lend themselves conveniently to an effective system of platform guard rails, but the centre door would be a disadvantage at curved platforms.

FIGURE 9.

CARS WITH THREE DOORS NEAR CENTRE. LONGITUDINAL SEATS. (44 SEATS.)



CARS WITH THREE DOORS NEAR CENTRE.

(Figure 9.)

Longitudinal Seats.

(44 Seats.)

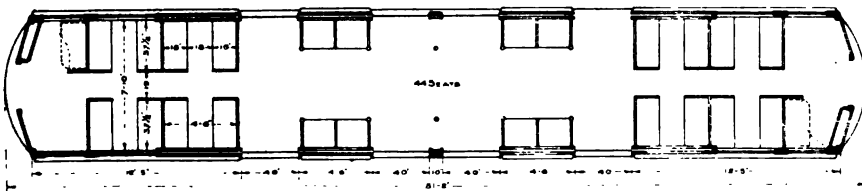
This car is similar to the present end-door car fitted with an additional centre side door, with the exception that the end doors are located much nearer the central door. The nearer these end entrance doors are brought toward the central exit door the easier will it be to maintain a circulation into and out of the car through the separate doors.

The location of the end doors at the quarter division points of the car, or even nearer to the central door, is practically the only way that the central door car can be used with success in the subway, as a comparatively easy means of reaching the exit must be provided—otherwise a passenger boarding a car when it is crowded will either find it impossible or will refuse to crowd his way through the standing passengers in the car in order to reach the regular exit, and will insist on leaving the car by the door he entered. As soon as one exemption is allowed to the rule of "in one door and out the other," confusion will at once take place, and the advantage of having the passengers move together in a predetermined way without hesitation will be lost.

The above car lends itself to the longitudinal seat plan throughout its length, as there is not enough space in the ends of the car for cross seats, and it would be a mistake to limit the connecting space between the doors by the introduction of an aisle or aisles serving cross seats.

FIGURE 10.

CARS WITH THREE DOORS NEAR CENTRE. COMBINATION OF CROSS AND LONGITUDINAL SEATS. (44 SEATS.)



CARS WITH THREE DOORS NEAR CENTRE.

(Figure 10.)

Combination of Cross and Longitudinal Seats.

(44 Seats.)

In order to make room for cross seats in the ends of a car of this type, and at the same time provide the shortest distance possible between the entrance and the exit doors, a large double door may be placed in the centre of the car, to be used for an entrance, and two smaller doors at each side to be used for exits.

The circulation in this car would be in the opposite direction to that shown with any of the other cars. The passengers would gather at one place on the station platform ready to enter this car, and would quickly pass through the large double doors. The passengers leaving the cars from the cross seats would not encounter a stream of entering passengers.

The seating capacity of this car is liberal, and the location of the standing room is convenient and efficient. All the doors can be controlled by a guard centrally located where he can see the moving passengers, and to a large extent control their movements.

The troubles with the curved platforms, and the structural difficulties of adapting the present car frame to this design, are serious disadvantages to the use of a car of this type with the present subway.

CARS WITH MULTI SIDE DOORS.

The Illinois Central Car.

Cars of this type are in successful use in the suburban service of the Illinois Central Railroad in Chicago. These cars are 72 feet long over all, and 10 feet 6 inches wide over the sheathing. There are 12 sliding doors on each side, opening on a level with the platform, and two doors on each side, opening to steps which are used at stations where there are no high platforms. End doors are provided in the cars, so that passengers may pass from car to car in the train, and cars are not provided with extension platforms.

The doors are operated by the train guard from the inside of the car, the operating mechanism being designed so that when the car stops at the station platform the train guard on each car unlocks the doors by means of a single wheel, leaving the doors to be opened by the passengers. Before starting from the station the movement of the operating wheel by the guard in the reverse direction closes the doors which have been opened, and at the same time locks all the doors. When the edge of the door is within 3 or 4 inches of the jamb it stops, and then moves slowly forward to the closed position, the purpose of this being to allow any passenger who may be caught in the door to move aside. An electric signal apparatus is connected with the doors so that a signal is automatically transmitted to the engineer when the last door in the train is closed.

Seats are provided for 100 passengers, 50 facing in each direction, and there is an aisle on each side of the car between the seats and the doors so that passengers entering any door may pass down the aisle to any seat.

The seats were originally all of wood, but were found to be uncomfortable, and were changed to rattan. In general, this car has given satisfaction, the principal objections apparently being in regard to the size and the shape of the seats and their arrangement in the car. Some objection is also made to the lack of ventilation in the summer. The problem of heating the cars in winter has not proven to be a serious one, as ample steam coils taking steam from the locomotive are provided under each seat. Under subway conditions it would be better to have the door mechanism designed so as to open all the doors simultaneously, as some delay is now occasioned by passengers hesitating to open the doors.

The Multi Side-Door Car and the Present Subway.

The present length of the subway cars would allow for a maximum of 8 side doors, or for four times as many doors as at present. The present end doors, each about 38 inches wide, or a total door area of 76 inches for each side. With 8 side doors, each 25 inches wide, there would be a door opening of 200 inches per car, or nearly three times the door space provided in the present car. The best that could be expected of the multi side-door car, as far as reducing the time required at present for unloading and loading the passengers is concerned, would be to have this time cut down to one-third the present amount.

In order to determine the efficiency of this type of car I have had a large number of observations made of the Illinois Central car in actual operation. The density of traffic upon the Illinois Central suburban line, of Chicago, does not compare with the subway conditions, and, therefore, a conclusion from a comparison of the movement of passengers must be drawn with caution. During rush hours in Chicago the maximum number of passengers passing through the 12 doors of the car was found to be 4.8 per second, and, in making this observation, care was taken to include only the time between the opening and the closing of the doors, so as to eliminate the variable time required for giving the starting signal and in starting the train. It should be borne in mind that the Illinois Central cars are over 72 feet long, and this result was obtained with 12 doors, and not with 8 doors, which is the number possible for the 50-foot subway car.

It is fair to assume, therefore, that with the 8-door car in the subway, passengers would be unloaded and loaded at the rate of not more than 4 persons per second per car. As a result of a great many observations of the present rate of passenger movement in and out of the present cars during rush hours in the subway, I find that this rate does not vary far from 1 person per second per door, or at the rate of 2 passengers per second per car, except under extremely congested conditions, when the rate becomes slightly less. During slack periods passengers readily pass in and out of the

car doors at this rate, while during rush hours the station platform attendants facilitate the movement, which would ordinarily be considerably reduced by the congestion, and the prompt closing of the doors by the uniformed attendants at the busy stations goes far toward making it possible to load the cars at the rate of 2 persons per car per second, except during the very busiest periods.

At the Borough Hall station of the Brooklyn extension, recently opened, this rate is often increased to an average of $2\frac{1}{2}$ passengers per car per second for the first 30 seconds of loading, but at this station at the present time there exists only *terminal conditions* without the conflict of *transferring traffic*.

It would be impracticable to provide a platform attendant for each door of the multi side-door car. It is therefore necessary in considering the effect of a car of this type upon the length of station waits during rush hours to compare the operation of the multi side-door car without the advantage of a station platform attendant at each door to assist in the loading of the passengers, to the operation of an end-door car with a platform guard to not only expedite the movement of passengers, but also to assist in closing the doors. With this comparison in mind it is difficult to see how the use of the multi side-door car in the subway would reduce the present time of loading and unloading by more than one-half; that is, the present rate of passenger movement of two persons per car per second maintained with the present end-door car might possibly be increased to four passengers per car per second with the multi side-door car.

This result could only be obtained upon the assumption that all of the multi side doors could be promptly closed by the train guards. In Chicago there is apparently no difficulty in doing this, but it should be remembered that during rush hours the subway traffic is fully ten times as large as the Illinois Central traffic during the corresponding period, and experience in the subway has demonstrated that in order to close the car doors during the rush period a corps of uniformed, trained platform guards, in addition to the train guard, is absolutely necessary.

It has further been learned that the only way to move trains through the subway on schedule time is to close the car doors promptly, and thus limit the platform delays. It is difficult to see how this could be accomplished with the multi side-door car unless the stream of passengers was stopped before it reached the loading platform. This would transfer the "crush" from the platform in the vicinity of the car doors, as at present, to a platform entrance or a number of entrances, which could be made sufficiently large to considerably reduce the crowding, *but the inevitable cutting off of the stream of passengers must be quickly accomplished in some manner, in order to allow the prompt movement of the trains.* If the multi side-door cars were to be adopted for the subway, the stations should be arranged so as to control the passenger flow before it reaches the train, as it would be found exceedingly difficult to cut off the passengers at 64 separate places, which would result from the use of 8 doors in each car of an 8-car train.

The introduction of the transfer system which furnishes a possible saving of a minute or two as a reward for considerable pushing and crowding has driven a number of the regular subway passengers "minute mad." To deprive these patrons of an opportunity to catch a train by closing a station gate in their faces at the time the train pulls into the station would meet with considerable objection if attempted in the present subway, where the stations are not built to provide for the comfortable carrying out of this arrangement, but the suggestion should be borne in mind in connection with the design of future subways. The only logical place to cut off the flow of passengers is at the entrance to the station platforms, and not at the doors of the cars, a fact which is demonstrated by the design of steam railway passenger stations and ferry-boat waiting rooms.

To allow the successful use of the multi side-door car would make other changes necessary, particularly with the station platforms. The present platforms serve only one of the end doors of each of the end cars of the train. To get the full advantage of all of the doors along the entire length of the train it would be necessary to extend both the express platforms, which are 350 feet in length, and the local platforms, which are 200 feet in length. This requirement would mean a 50-foot extension on 38 separate platforms south of Ninety-sixth street, as well as the extension of a number of platforms north of Ninety-sixth street, and in some cases this alteration under running conditions would be an expensive and exceedingly difficult piece of work.

The final serious objection to the multi side-door car in the present subway is the fact that practically the entire car bodies now in use would necessarily either be scrapped or used elsewhere, as it would be practically impossible to rebuild them so as to provide 8 side doors on each side of each car. Under these circumstances, the cost of the change would mean an expense of at least \$5,000,000 for multi side-door cars, and of about \$2,000,000 for platforms, and, in my opinion, the improvement to be expected from these changes with the present subway would not justify the investment.

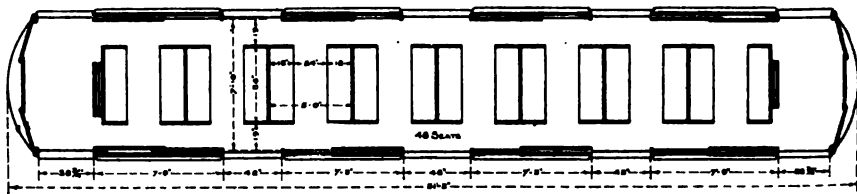
Multi Side-Door Cars and Future Subways.

If the multi side-door car is to be considered for future subways, *the station platforms should be arranged so that the unloading can be done upon one station platform, and the loading can be accomplished from another and separate platform.* Such an arrangement would necessarily contemplate some inconvenience to the passengers transferring from one service to the other, and the adoption of the separate platform idea would make impossible the use of the island platforms which, under present arrangements, often serve both the express and the local trains, an arrangement which contributes greatly to the convenience of those using the transfer privilege. To make the changes necessary to provide separate platforms for the present subway and at the same time keep the trains in operation upon a schedule which calls at frequent intervals for a train upon each of the four tracks every two minutes, would be so difficult as to

make its cost unjustifiable, and the suggestion, therefore, can only be used in considering an entirely new subway. These remarks apply as well to the straightening of the platforms. The curves of the present platforms would seriously interfere with the operation of the multi side-door car. Sliding platforms, or extension platforms on the cars, to correct this defect, are at best complicated and unsatisfactory expedients, and as long as with future subways a different station arrangement and separate platforms would be necessary to make a success of the multi side-door car, it would add but little to the station requirements to specify that if multi side-door cars are to be used, the station platforms should be free from curves.

FIGURE II.

CAR WITH MULTI SIDE DOORS. CROSS SEATS BACK TO BACK, WITH TWO AISLES.
(48 SEATS.)



CAR WITH MULTI SIDE DOORS.

(Figure II.)

Cross Seats Back to Back, with Two Aisles.

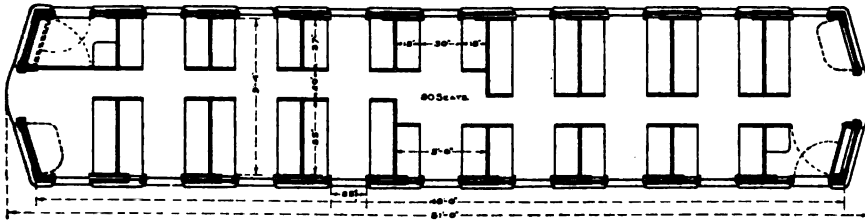
(48 Seats.)

This plan indicates the introduction of three wide doors in the sides of the present subway cars and the rearrangement of the seats in accordance with Illinois Central plan. With this car no attempt would be made to set up and maintain a circulation, and every door would be used as a combined exit and entrance. While this car would lessen the conflict of passengers at the car doors, it would not provide a means of entirely removing this cause for discomfort.

At least two platform attendants for each car would be necessary during the busy hours, to assist the train guard in cutting off the stream of passengers entering the car and to aid in closing the car doors. The car platform space would be available for passengers preferring to ride on the platform, as with this car it would not be necessary to enforce the rule that passengers must not ride on the car platforms.

FIGURE 12.

CAR WITH MULTI SIDE DOORS (FOR FUTURE SUBWAYS). CROSS SEATS BACK TO BACK, WITH ONE AISLE. (80 SEATS.)



CAR WITH MULTI SIDE DOORS (FOR FUTURE SUBWAYS).

(Figure 12.)

Cross Seats Back to Back, with One Aisle.

(80 Seats.)

This design has the advantage of one aisle instead of two, and is 18 inches wider than the present car, thus at once increasing the possible seating capacity, and this general arrangement of seats will, therefore, be found the most efficient way to carry out the policy of attempting to provide a seat for every long-haul passenger.

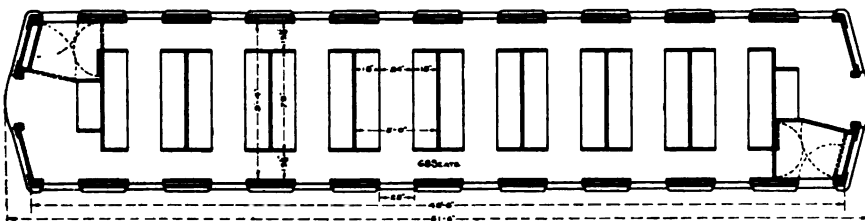
The free space between the seats has been increased to 30 inches, in an attempt to provide room for the passengers entering and leaving the car to pass by the seated passengers with the minimum amount of annoyance.

This car ought to work well with a load not exceeding 100 passengers, 80 of whom would be seated, but would prove exceedingly uncomfortable if the standing passengers began to encroach upon the space between seats. As the space between seats is sufficient to allow passengers to pass between the knees of those seated, and is the only avenue of entrance and exit, this space would naturally be occupied by standing passengers, particularly during rush hours, much to the inconvenience of the seated passengers, and this is the penalty that must be paid for maximum seating capacity.

There are 8 doors in each side of this car, but the absence of free space near each exit and entrance will cause this car to be loaded and unloaded slowly, and the advantage of the extra number of doors will disappear just at the time that this feature would be of the greatest use.

FIGURE 13.

CAR WITH MULTI SIDE DOORS (FOR FUTURE SUBWAYS). THE ILLINOIS CENTRAL TYPE OF SEAT. (68 SEATS.)



CAR WITH MULTI SIDE DOORS (FOR FUTURE SUBWAYS).

(Figure 13.)

The Illinois Central Type of Seat.

(68 Seats.)

This design shows a car 18 inches wider than, and of the same length as present car, with seats in banks of four on 5-foot centres, which spacing will allow the same number of passengers per foot length of car as is found with the Illinois Central cars.

In this car doors have been introduced in the sides of the car between each set of seats, making 8 doors along the side of the car. The two aisles are made a little wider than in the Illinois Central car, and the seats are more comfortable, although the free space between opposite seats has been reduced from 27 inches to 24 inches, in order to make each seat deeper.

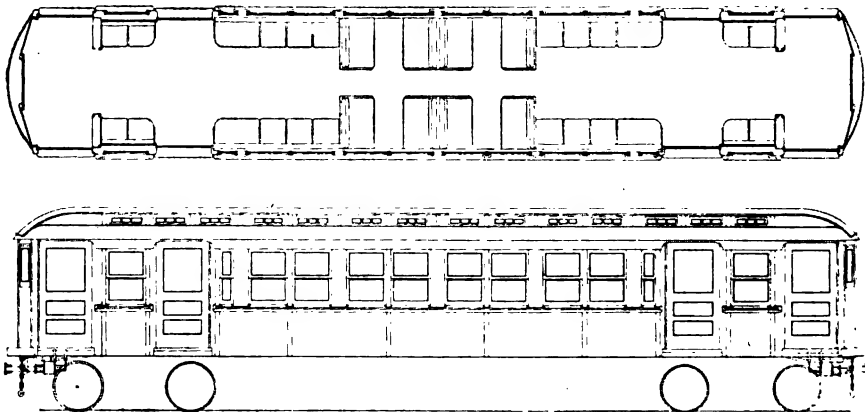
The car is contemplated only for future and larger subways, as it would be impracticable to rebuild the present cars to allow for the extra width necessary for the four cross seats shown and operate them in the present subway.

The advantages of this type of multi side-door car, although many, are not as great as would at first appear, owing to the delay which would be caused by passengers hunting for seats before they selected an entrance and entered, and the conflict of entering passengers with those who would have already entered the car and would be using the aisles for the purpose of finding seats. For subway use all doors should be operated at once by the car guard, in order to reduce the delay which is sometimes experienced in Chicago, due to the hesitation of inexperienced passengers in opening the doors.

FIGURE 14.

SHOWING PRESENT CAR AFTER BEING ALTERED INTO A CAR WITH DOUBLE DOORS NEAR ENDS.

Recommended Type.



Cars with Double Doors Near Ends.

(Figure 14.)

Without weakening the present car, or adding materially to its weight, it is possible to introduce additional side doors, one near each end of each side of the car and as near as practicable to the present end doors, the distance between the doors being at least sufficient to furnish a pocket for the sliding doors.

It will be seen by referring to Fig. 14 that these additional doors can be added without disturbing the present seating arrangement of the car to any great extent. It is true that the introduction of these doors will make it necessary to remove 8 seats from each car, but the operation of the cars in actual service will make it possible to pass so many more cars through the subway that the loss of 8 seats in each car will be more than offset by the additional seats in the added cars, and the extra standing room, so convenient to the separate exit, is a feature which will decrease the station waits, and thereby increase the schedule speed.

This proposed change in the present car has many advantages which even a casual study will reveal. The new doors can be used for exits, and the present end doors for entrances, thus providing at once the means of carrying on the process of unloading and loading simultaneously and without the present conflict which during rush hours has become so objectionable.

This car provides a separate space for leaving passengers to collect around the exit doors without blocking the space which should be provided for the passengers entering the car. The result will be that passengers will move in and out much more quickly than at present, and the movement of passengers into the car will facilitate the movement of passengers out of the car.

With this car it would be possible to keep the platforms clear of standing passengers, particularly at the time of approaching a station where considerable additional load is to be expected. With the present cars it is impossible to keep the platform clear, as the passengers readily make the excuse that they are getting ready to leave the train at the next station. With a clear platform there should be none of the discomfort now experienced in boarding a crowded car; the passengers will pass rapidly into the empty car vestibule, and can move at once into the space which has been vacated by the leaving passengers.

There should be no hesitation on the part of a passenger in the selection of an entrance with this type of car, as is so often the case with the multi side-door car. Under these circumstances there is no reason why a rate of flow of passengers in and out of the car amounting to at least 5 passengers per car per second should not be expected with this car with double doors near the end, and this rate is fully as good as the experience in Chicago would lead us to expect from the multi side-door cars, even with 8 doors distributed the entire length of the car.

While this type of car provides for setting up and maintaining a circulation, this circulation is not obtained at the expense of comfort to the through passengers, as the

circulation is confined to the two ends of the car, and it is therefore not necessary for a passenger boarding a train at one station and getting off at another to pass through half the length of the car, with the attendant discomfort to both himself and to all of the other passengers in the car.

Both the exit and the entrance doors are directly under the eye of the guard, who is thus in a position to accentuate the circulation, and, therefore, the rapidity of handling the passengers, by opening the exit door slightly in advance of the entrance door, which can easily be done by either mechanical or pneumatic means.

This car lends itself readily to the introduction of platform railings at all of the more important station platforms. These railings can be arranged as shown in Fig. 18, on page 70, which will indicate at once the advantages of collecting the passengers who are waiting for a train at definite loading points, thus leaving the remaining parts of the platform free and ready to receive the unloading passengers. This particular double-end-door car fortunately allows for an arrangement of platform railings in such a way that loading points can be provided for the Broadway passengers separate from those set apart for the Lenox passengers. Should the distance between the doors as shown be considered too close for ease in stopping at the proper points, the distance could be increased by moving the supplemental doors one seat nearer the centre of the car.

The standing room in this car can be increased during rush hours by folding up the two seats between the doors, and, while this practice is not to be commended, there will be times, and particularly on heavy days, such as Mondays, when this feature could be utilized.

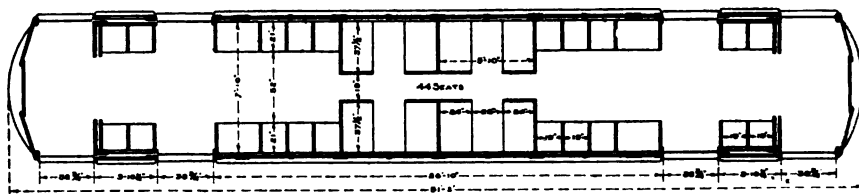
The present cars can be changed to conform to this arrangement for an expense of about \$2,000 for each steel car, and about \$1,500 for each composite car.

For the present subway this car seems to me to possess more advantages and fewer disadvantages, both from the standpoint of the public and the operating company, than any other type, and its use will increase the capacity of the subway sufficiently to fully justify the expense of altering the present cars into cars of this type.

Several different seating arrangements possible with this car are shown and discussed on the following pages:

FIGURE 15.

CAR WITH DOUBLE DOORS NEAR ENDS. COMBINING CROSS AND LONGITUDINAL SEATS (44 SEATS.) USING PRESENT CAR BODY AND SEAT SPACING.



CAR WITH DOUPLE DOORS NEAR ENDS.

(Figure 15.)

Combining Cross and Longitudinal Seats.

(44 Seats.)

Using Present Car Body and Seat Spacing.

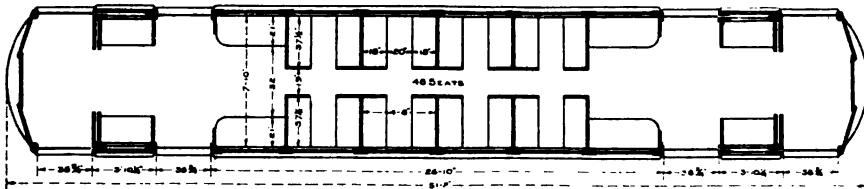
This design contemplates taking out eight of the longitudinal seats in the present car and introducing four extra exit doors. The design, which is the same as shown in Fig. 14, shows the most effective change that, in my judgment, can be made with the present subway car, as it introduces the extra doors at places where the framing of the present car and the arrangement of the present seats will be the least disturbed.

When the first consignment of subway cars was built the end doors were only 29 inches wide, but the operation of the cars soon proved this narrow door width to be a mistake, and the doors were widened to practically 38 inches.

While this width is not sufficient to allow passengers to pass through the doors two abreast, it is found that they naturally stagger themselves and pass through the door much faster than if they were forced to move in single file. As soon as the doors are made much wider, as in the Brooklyn Bridge shuttle cars, the crowding passengers make an effort to pass through the door three abreast, much to the discomfort of the middle passenger. To avoid this difficulty a dividing post in the centre of a wider door might be introduced, but with a sliding door for cutting off the flow of passengers this centre post would serve to multiply the danger and increase the accidents. The new doors have, therefore, been shown of the same width as the redesigned doors of the present car.

FIGURE 16.

CAR WITH DOUBLE DOORS NEAR ENDS. COMBINING CROSS AND LONGITUDINAL SEATS.
(48 SEATS.) MORE COMPACT SEATS FOR FUTURE CARS IN PRESENT SUBWAY.



CAR WITH DOUBLE DOORS NEAR ENDS.

Figure 16.

Combination Cross and Longitudinal Seats.

(48 Seats.)

More Compact Seats for Future Cars in Present Subway.

In the present subway cars the space devoted to the cross seats is used in an uneconomical manner. There are 70 inches between the centre of the backs of these seats,

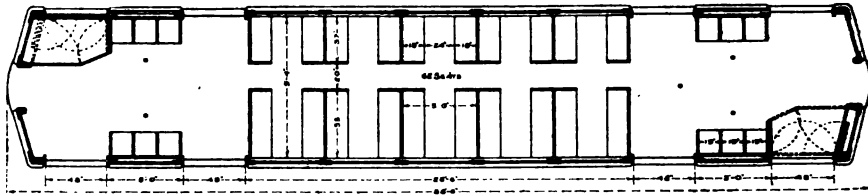
which is taken up by two 6-inch back cushions, two 18-inch seats and a clear space between seats of 22 inches. Where space is as much at a premium as it is in the subway cars, the arrangement of these seats should be made more compact, and this can be done without sacrificing the comfort now secured with the more liberal spacing. For double side seats, served from a centre aisle, a clear distance of 20 inches between seats is sufficient, and the allowance of 18 inches for each seat, together with its back, has been found satisfactory, thus making a total over-all distance of 56 inches for one bank of seats.

The width of 18 inches for each passenger for the cross seats and of 19 inches for the longitudinal seats in the present car is good practice.

With the more economical arrangement of cross seats, more space can be devoted to such seats and at the same time the seating capacity of the car can be increased. This improvement should be kept in mind in ordering future cars for the present subway.

FIGURE 17.

CAR WITH DOUBLE-END DOORS (FOR FUTURE SUBWAYS). BACK TO BACK SEATS ON 60-INCH SPACING. (62 SEATS.)



CAR WITH DOUBLE-END DOORS (FOR FUTURE SUBWAYS).

(Figure 17.)

Back-to-Back Seats on 60-inch Spacing.

(62 Seats.)

As it is probable that future subways will be larger than the present one, the cars can be made wider, and thus increase the carrying capacity *per linear foot of car*, an increase not practically obtainable in any other way.

The widening of the car could be carried to any reasonable degree, but in figure 18 it is designed to allow for five seats abreast. The 60-inch spacing of the seats will provide convenient access to the inside seats. There is but one aisle the width of which is ample and the standing room is convenient to the exit. During rush hours this standing space can be increased by folding up the longitudinal seats, each of which can have a ledge arranged to provide a comfortable support for part of the standing passengers.

Vertical posts can be conveniently located so as to guide and support the passengers standing in the open spaces at the end of the car.

Summary of Types of Cars.

The various types of cars which approximate toward fulfilling the requirements for **present** and future subway service are as follows:

1. Car with central side door and end doors (figure 6).
 - (a) Longitudinal seats (figure 2).
 - (b) "Back-to-back" cross-seats, with two aisles (figure 3).
 - (c) "Walk-over" seats, with two aisles (figure 4).
 - (d) "Walk-over" cross-seats, with one aisle (figure 5).
2. Car with two quarter side doors.
 - (a) Longitudinal seats (figure 7).
 - (b) Cross and longitudinal seats (figure 8).
3. Car with three doors near centre.
 - (a) Longitudinal seats (figure 9).
 - (b) Cross and longitudinal seats (figure 10).
4. Car with multi side doors.
 - (a) "Back-to-back" cross-seats, with two aisles (figure 11). Using present car frame.
 - (b) "Back-to-back" cross-seats, with one aisle (figure 12). For future subways.
 - (c) Illinois Central type of seat (figure 13). For future subways.
5. Car with double doors near end.
 - (a) Combination of cross and longitudinal seats (figure 15). Using present car frame and body.
 - (b) Combination of cross and longitudinal seats (figure 16). Using more compact spacing of seats; for future cars for present subway.
 - (c) Combination of cross and longitudinal seats (figure 17). Wide car for future subways.

Wider cars containing 60 seats and run in 10-car trains at the rate of 40 trains per hour will provide 24,000 seats per hour on one track. The seating capacity of the express tracks of the present subway with cars containing 52 seats run in 8-car trains at the rate of 30 trains per hour is 12,480 seats per hour on one track.

In other words, future subways may have twice the seating capacity of the **present** subway, as now operated.

The possibility of running 10-car trains in the place of the present 8-car express trains will be discussed in a separate part of my report.

Recommendations.

My recommendations, summarized, are as follows:

First—That every car used in regular passenger service in the present subway be provided with two additional side doors, located near the ends approximately, as shown in figure 14, page 58.

I recommend this car for the following reasons:

1. The double-door space at each end of the car will greatly reduce the present station waits.

2. The separate exits and entrances will remove the present uncomfortable conflict at the car doors.

3. The present cars can be altered into this type of car without detracting from their structural strength, or materially altering the present seating arrangement.

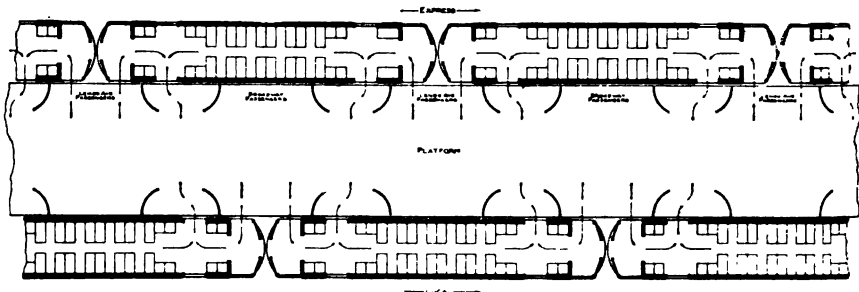
4. The result in increased carrying capacity due to the changes will abundantly justify the investment.

5. This is the only type of car with additional doors that will not materially increase the present trouble due to curved platforms.

Second—That all cars be provided with either pneumatic or other means for quickly opening and closing the doors, and with signals which will automatically indicate to the motorman when the last door is closed.

FIGURE 18.

SHOWING ARRANGEMENT OF GUIDING RAILS ON STATION PLATFORMS, TO BE USED IN CONNECTION WITH THE RECOMMENDED TYPE OF CAR.



Third—That all new cars be of metal and provided with seats more economically arranged, as shown in figure 16, page 64.

Fourth—That when the cars of the double end-door type are put into service a system of platform railings, similar to that shown in figure 18, page 70, be provided to direct the passengers.

Fifth—That for future subways a wider car should be considered. This car may be a multi side-door car, if separate platforms can be arranged for each class of trains, and if the stations can be designed to control the flow of passengers at the entrance to the platform instead of directly at the car doors. If, however, it is found that it is impracticable to design stations with sufficient room for waiting passengers independent of the station platforms, it will probably be found that the best car for future subways is a wide car of the type with double doors near ends.

Sixth—That if it is found that future subways cannot be built without the occasional use of curved platforms, the cars for these future subways should be designed so as to allow the station platforms to extend under the car in such a way that the necessity for sliding platforms will be obviated.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, FEBRUARY 25, 1908.

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for February 18, 1908, as printed in the CITY RECORD for February 25, 1908, was approved.

(2)

O-24

The Secretary presented a resolution adopted by the Board of Aldermen on February 18, 1908, and transmitted to this Commission, and was directed to reply thereto that this improvement had been ordered. The resolution was as follows:

Whereas, Since the operation of the subway road on Broadway, the neighborhood of One Hundred and Thirty-seventh street has become heavily populated; and

Whereas, By reason thereof the one stairway for the northbound station is so grossly inadequate for the heavy traffic discharged there during the evening rush hours that accidents are liable to happen at any time on account of the congestion there;

Resolved, That it is recommended to the Public Service Commission for the First District to take under advisement the conditions herein complained of, to the end that an additional stairway be installed for the northbound station of the subway at One Hundred and Thirty-seventh street and Broadway.

(3)

3214

The Secretary presented the following resolution adopted by the Board of Aldermen on February 18, 1908, and transmitted to this Commission, which was referred to Commissioner Bassett:

Resolved, That the staircase of the Brooklyn Union Railroad at the northeast corner of Sands and Washington streets, in the Borough of Brooklyn, which is not in

use, and which has not been in use for some time past, be removed. Also on the southeast corner of Sands and Washington streets.

(4)

O-287

The Secretary presented the following resolution adopted by the Board of Aldermen on February 18, 1908, and transmitted to this Commission:

Whereas, The surface cars operated by horse power through various streets from the East River to and on Canal street, and thence through other streets to the North River, in the Borough of Manhattan, are unclean, filthy, and a menace to the health of the many who are compelled to use them; and

Whereas, In addition to the unsanitary condition of these cars, the uneven headway under which they are run, and the slowness with which they move, make their operation a travesty on the transportation accommodations of the great City of New York, and display an indecent regard for the rights of the people by a public service corporation; therefore

Resolved, That the attention of the Public Service Commission of the First District be and hereby is respectfully directed to these unwholesome conditions, with the urgent request that action be taken at once to remedy the evils from which the people using these cars now suffer.

Commissioner Maltbie—"I may say, Mr. Chairman, that an inspection is now being made of the Third avenue system, including certain lines alluded to in this resolution, for the purpose of determining what improvements are necessary in order to make the service adequate. An order has been issued by this Commission requiring the New York City Railway Company to thoroughly overhaul and repair all of its cars, which will include, of course, the putting of them in proper sanitary condition. A similar order has been issued against the Third Avenue Company, so that when these orders have been executed, all cars supposedly will be in a sanitary condition. I see no reason why a copy of this should not be sent to the company, in order that they may be advised of it, and perhaps take additional care in the daily work of cleaning the cars."

Commissioner Maltbie thereupon moved the adoption of the following order:

COMPLAINT ORDER (No. 287).

Board of Aldermen, Complainant,
against

- Dry Dock, East Broadway and Battery
Railroad Company, Defendant.

The order of the Commission, being Order No. 287, for satisfaction or answer within ten (10) days, as to the unsanitary condition of horse cars on the Canal street line, was approved, confirmed and ordered filed in the office of the Commission.

(5)

O-288

The Secretary presented the following resolution adopted by the Board of Aldermen on February 18, 1908, and transmitted to this Commission:

Whereas, The elevated railroad platforms at One Hundred and Twenty-fifth street and Eighth avenue, Manhattan, are so high that it is well recognized as a hardship for people to be compelled to climb up to them; and

Whereas, Because of public outcry the Interborough Rapid Transit Company promised over two years ago to install escalators at this station, but up to this time has failed to do so; therefore be it

Resolved, That this Board, believing in the great necessity for the same, urges and recommends to the Public Service Commission for the First District an investigation of the subject so that the erection and installation of the long-promised escalators at this elevated station may be brought about at once.

The Secretary presented the following order:

COMPLAINT ORDER (No. 288).

Board of Aldermen, Complainants,
against
Interborough Rapid Transit Company, De-
fendant.

The order of the Commission, being Order No. 288, for satisfaction or answer within ten (10) days, as to the installation of an escalator at the elevated railroad station at One Hundred and Twenty-fifth street and Eighth avenue, was approved, confirmed and ordered filed in the office of the Commission.

(6)

2933

On motion, duly seconded, it was

Resolved, That the following temporary appointments be made from the Civil Service list, for periods of thirty days:

Name.	Position.	Salary.	To Take Effect.
Clarkson G. Crolius.....	Gas Meter Tester.....	\$3 per day.....	February 24, 1908
Charles Vollbracht.....	Gas Meter Tester.....	3 per day.....	February 25, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(7)

3125, 2958

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service list:

Name.	Position.	Salary.	To Take Effect.
Anna B. Byrne.....	Filing Clerk.....	\$75 per month...	February 26, 1908
Sarah M. Andrews.....	Filing Clerk.....	75 per month...	February 26, 1908
Grace E. Spier.....	Filing Clerk.....	75 per month...	February 26, 1908
Zella Sitterly	Filing Clerk.....	75 per month...	February 26, 1908
Alice L. Rose.....	Filing Clerk.....	75 per month...	February 26, 1908
William E. Armstrong.....	Junior Clerk.....	40 per month...	February 26, 1908
William F. Fay.....	Junior Clerk.....	40 per month...	February 26, 1908
William E. Moore.....	Junior Clerk.....	40 per month...	February 26, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

O-289

Commissioner Eustis moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 289).

In the Matter

of

The complaint of Francis P. Kenney, as
President of the High Bridge Taxpayers'
Alliance, Complainant,

vs.

New York Central and Hudson River
Railroad Company, Defendant.
Under Order for Hearing No. 229, dated
January 31, 1908.

This matter coming on upon the report of the hearing had herein on February 6, 1908, February 14, 1908, and February 15, 1908, and it appearing that the said hearing was held pursuant to Order No. 229 of this Commission, made on the 31st day of January, 1908, and returnable on the 6th day of February, 1908, said hearing having been adjourned from February 6, 1908, to February 14, 1908, and from February 14, 1908, to February 15, 1908; and it appearing that said hearing was had by and before the Commission on the matters embraced in the complaint and answer herein and in said order specified on the aforesaid dates before Mr. Commissioner Eustis, presiding, E. V. R. Ketchum, Esq., appearing for the complainant and E. H. Boles, Esq., appearing for the said railroad company, and proof having been taken upon said hearing and it having been stipulated and agreed upon said hearing by and

between the parties thereto that an order of this Commission should issue, directing and requiring the said New York Central and Hudson River Railroad Company to burn hard coal on all of its engines used by it on its New York and Putnam Division, while said engines are within the corporate limits of The City of New York, and it having been agreed that such order would be satisfactory to the complainant herein and would be satisfactory to and would be complied with by the said New York Central and Hudson River Railroad Company,

Now, therefore, upon said stipulation and agreement, and on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That said New York Central and Hudson River Railroad Company be and it hereby is directed and required to cease and desist from the use of soft coal on any of the engines used by it on its New York and Putnam Division while within the corporate limits of The City of New York and institute and continue the use of hard coal on said engines upon said division while within the corporate limits of the said City of New York and to institute such change within fourteen (14) days from and after the service on said company of a certified copy of this order. This order shall continue in force thereafter until such time as the Public Service Commission for the First District shall otherwise order; it is further

Ordered, That said New York Central and Hudson River Railroad Company notify the Public Service Commission for the First District within five (5) days after service of this order upon it whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(9)

O-290

Commissioner Eustis moved the following dismissal order, which was duly seconded:

DISMISSAL ORDER (No. 290).

Whidden Graham,
Complainant,

vs.

Interborough Rapid Transit Company,
Defendant.

This matter coming on upon the report of the hearing had herein on February 17, 1908, and it appearing that the said hearing was held by and pursuant to an order of this Commission, No. 241, made the 4th day of February, 1908, upon the complaint and answer herein, and that the said order was duly served upon Whidden Graham, complainant, and upon the Interborough Rapid Transit Company, and that the said service was by said company duly acknowledged and that the said hearing was held by and before the Commission on the matters in said complaint, answer and order specified, on February 17, 1908, at which hearing Mr. Commissioner Eustis presided and Alfred

A. Gardner, Esq., appearing for the Interborough Rapid Transit Company and Arthur DuBois, Esq., Assistant Counsel, appearing for the Public Service Commission for the First District, and there being no appearances on behalf of the complainant,

Now, on motion of Alfred A. Gardner, Esq., attorney for the Interborough Rapid Transit Company, it is

Ordered, That the said complaint be and the same hereby is dismissed and that this order be filed in the office of the Commission; and it is further

Ordered, That this order shall be without prejudice to an order for further or additional hearings and action thereon by the Commission in respect to any of the matters covered by said complaint and answer or the proceedings thereon.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(10)

O-260

The Secretary presented the following communication from Frederick W. Whitridge, Receiver of the Third Avenue Railroad Company, upon Order No. 260 of the Commission, with regard to the repairing of cars, which was referred to Commissioner Maltbie:

THE THIRD AVENUE RAILROAD COMPANY, }
FREDERICK W. WHITRIDGE, RECEIVER, }
SIXTY-FIFTH STREET AND THIRD AVENUE, }
NEW YORK, February 18, 1908.

TRAVIS H. WHITNEY, Esq., Secretary, Public Service Commission, No. 154 Nassau Street, New York City:

DEAR SIR—I received this morning your Order No. 260, which calls upon me to repair on and after the 2d day of March, three closed cars daily, and in addition thereto, all of the open cars belonging to this property—182 in number—prior to the 1st of May, 1908—altogether a total between now and the 1st of May of 362 cars. I venture to inquire whether this is not an error, and whether it was not intended to order that the repair of three closed cars daily should begin on May 2 instead of March 2.

When your engineer called upon me I told him that it seemed to us wise to put all of the open cars in first-class repair in time, if possible, for the opening of the summer season, and thereafter to take up the closed cars, which could then be withdrawn from service, and by that time we thought we could overhaul them at the rate of two or three a day, and in the meanwhile we could only repair them temporarily. We understood him to assent to this programme, and I am therefore surprised at the terms of Order No. 260.

I have been in charge of the Third Avenue property just five weeks and of the other two properties a fortnight. I found the condition of the rolling stock deplorable. As I have already told you, it was not necessary to take evidence as to the bad condition of the cars. It was obvious and admitted. I had already communicated with the

court a week or more ago as to the necessity of purchasing new cars, and with the car builders as to the prices, terms and times of delivery, and I expect this week to obtain authority to purchase 75 cars and to have perfected the arrangements to get the money to pay for them. The delivery of these cars will begin 30 days from the date of the contract.

The complete overhauling and repair of the cars, required by you and by the cars themselves, is practically a reconstruction. To do this I have contracted for 50 new motors of the most modern type and certain other electrical equipment, costing together over \$100,000, all of which had been ordered before the receipt of your Order No. 260, and would have been ordered as soon as I was appointed had I not felt it my duty to take time to acquire a little knowledge of the property and questions with which I had to deal before directing the very large expenditure I have now incurred. In respect to the motors, I also thought it desirable to discuss with the makers and electricians the best type of motor and to get bids from the various builders, and although, as I say, the order has been placed, the manufacturers will not even begin to deliver these motors until six weeks from this date. In addition to these matters, a large part of the electrical repairs consists of the winding of armatures and other work for which the shop under my control was not equipped. The necessary machinery and material, costing over \$20,000, was ordered as soon after I took possession as possible, and is being furnished but is not yet all received. It is necessary also to change the direction of the tracks in the shop so that they will run with the length of the building, in order to accommodate the larger cars, and it is further essential to put in a turn-table to get the cars on the tracks and to expedite the work. Altogether the shop itself cannot be completed for some weeks, and it is to be remembered that neither the Forty-second street nor the Dry Dock railway companies have any shops at all—all the work has to be done at Sixty-fifth street.

Under these circumstances it appears to me that if your Order No. 260 really means that you expect me not only to put our open cars in good order before May 1, but also contemporaneously to repair three closed cars daily, i. e., with the as yet inadequate Third avenue shop to do more than half as much work as you demanded of the whole Metropolitan system when it included the Third avenue, you are asking me to perform what I presume to say to you is a physical and commercial impossibility.

If you have anybody on your staff who can show us how to get material before the manufacturers will agree to furnish it, and who can turn out 360 cars in this Third avenue shop between now and the 1st of May, I will pay him any salary you will fix to take charge of the job until that date; otherwise I am obliged to say to you that, with the best will in the world, I cannot comply with Order No. 260. The only thing I can say is, that to the extent of my capacity I shall be only too glad to come as near to the terms of that order as possible.

Yours truly,

(Signed) F. W. WHITRIDGE, Receiver.

(11)

1373

The Secretary presented a communication from the Association of Bronx Real Estate Brokers, opposing the purchase of the Belmont tunnel and all other expenditures by the City for transit purposes, until after money had been appropriated for the Broadway-Lexington avenue routes with Bronx extensions, which was ordered filed.

(12)

2204

The Secretary presented a communication from Julius Henry Cohen, Chairman of Committee on Legislation, and Everett V. Abbot, Chairman of a Sub-Committee, of the Citizens' Union, containing the following resolution, which was referred to the Committee of the Whole:

"Resolved, That we favor leases with or without a maximum term with power reserved to the City to re-enter at any time upon reasonable notice and upon terms to be agreed to at the time of making such leases, and that the law be changed to make this effective.

"Provided, however, that the Public Service Commission shall have power in its discretion to grant a minimum term during which there shall be no right of re-entry, such minimum term not to exceed ten years."

(13)

3050

The Secretary presented a communication from J. Caccavajo, advocating the planning of a comprehensive plan of subways covering the entire five Boroughs, based on the probable population of a future time, say 1950, and the building from time to time of such sections of this system as might be advisable according to necessity and the availability of the money required; transmitting a table of the population of the City by Boroughs, from 1790 to 1900, and as estimated from 1910 to 1950; and offering to submit a memorandum of propositions evolved during five years of study of the matter. The papers were referred to the Committee of the Whole.

(14)

2919

The Secretary presented a communication from the House and Real Estate Owners' Association, transmitting a communication addressed to the Mayor and to the Board of Estimate and Apportionment, objecting to the construction of the Lexington avenue subway, and advocating the construction of a subway in First avenue. The communication was ordered filed.

(15)

2113

The Secretary presented a communication from the New York Mail and Newspaper Transportation Company, renewing their application for permission to alter the roof of the subway, between vents Nos. 755 and 756, at One Hundred and Twenty-fourth street and Lenox avenue, for the purpose of laying two eight-inch pneumatic mail tubes, and submitting revised plans, which, upon motion, duly seconded and carried, was directed to be sent to the Interborough Rapid Transit Company.

(16)

2525

Commissioner Maltbie made the following statement:

"The Bureau of Statistics and Accounts has been working upon a uniform system of accounts for the gas and electric lighting companies. The preliminary work has now been completed, and a number of conferences have already been held with the companies, but in my opinion, before the system is adopted, a public hearing should be had. I move, therefore, that a hearing be held on Thursday, March 5, at 10.30 o'clock in the forenoon, to consider the tentative form of accounts for gas and electric lighting companies, and that notice be served on the companies of this hearing."

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Maltbie to conduct the hearing.

(17)

O-205

Commissioner Maltbie stated that arrangements have been made with the Legal Department for the opening of the electric light investigation, Wednesday, February 26, at 2.30 p. m., unless there is some objection on the part of the Commission or a member of the Commission. There was no objection.

(18)

O-260

The Secretary presented the following communication from Adrian H. Joline and Douglas Robinson, receivers of the New York City Railway Company, which was ordered filed:

NEW YORK CITY RAILWAY COMPANY,
LESSEE METROPOLITAN STREET RAILWAY SYSTEM, }
No. 621 BROADWAY,
NEW YORK, February 20, 1908. }

To the Honorable the Public Service Commission for the First District, No. 154 Nassau Street, New York City:

DEAR SIRS—We beg to acknowledge receipt of your Order No. 260, dated February 14, 1908, relative to repairs of cars and equipment.

We note that by the terms of said order it is provided:

"That the order heretofore made by the Commission on December 30, 1907, known as Order No. 179, shall stand unchanged and unmodified as respects the New York City Railway Company, and its receivers, with the same force and effect as if the said receivers had continued to be and now were receivers of the property of the Third Avenue Railroad Company, of the Dry Dock, East Broadway and Battery Railroad Company and of the Forty-second Street, Manhattanville and St. Nicholas Avenue Railroad Company."

Although it is perhaps of no importance at this time, we may for the sake of accuracy point out that we have never been receivers of the property of either the Dry

Dock, East Broadway and Battery Railroad Company, or the Forty-second Street, Manhattanville and St. Nicholas Avenue Railroad Company, nor have we at any time been engaged in operating those railroads, or either of them.

From the notice of hearing in this matter, as well as from the title of the order, it would appear that the question to be passed upon by the Commission was as to how the duty of turning out ten (10) cars daily, imposed upon us by your previous order, was to be divided between us and the Third Avenue Railroad Company. As we understand your order, no division of this duty was made, but we are to continue to turn out not less than ten (10) cars daily, and the receiver of the Third Avenue Railroad Company, Dry Dock, East Broadway and Battery Railroad Company, and Forty-second Street, Manhattanville and St. Nicholas Avenue Railroad Company is to turn out not less than three (3) closed cars daily, in addition to overhauling all his open cars.

In view of the fact that one of the repair shops formerly available to us has been turned over to the receiver of the Third Avenue road, and that as a result of the Third Avenue receivership there are some 575 cars less under our control than at the date of your former Order No. 179, we respectfully submit that a modification of the requirements of that order would have been appropriate, and we find nothing in the record of the testimony before you on the subject which seems to warrant the belief that impairment of the service is not likely to result from the withdrawal of so large a proportion of our cars.

We shall, however, use our best endeavors to comply with your order, which, as we understand it, directs that we, as receivers of the New York City Railway Company, shall, on and after the 15th day of February, 1908, turn out not fewer than ten (10) cars daily, not including Sundays and legal holidays, overhauled and repaired as prescribed in your Order No. 179, dated December 30, 1907.

Yours very truly,

(Signed) ADRIAN H. JOLINE,

(Signed) DOUGLAS ROBINSON,

Receivers.

(19)

O-171

The Secretary presented the following communication from Adrian H. Joline and Douglas Robinson, Receivers of the New York City Railway Company, which was referred to Commissioner Maltbie:

NEW YORK CITY RAILWAY COMPANY,
LESSEE METROPOLITAN STREET RAILWAY SYSTEM, No. 621 BROADWAY, }
NEW YORK, February 21, 1908.

Public Service Commission for the First District, State of New York, Tribune Building, No. 154 Nassau Street, New York City:

GENTLEMEN—We beg to inclose herewith six blue prints indicating the result of the tallies taken at Fifty-eighth street and Eighth avenue and at Eighty-fifth street

and Central Park West on January 31, February 7 and February 14, 1908, which we desire to send you as supplementing certain statements made in our letter to you, dated January 4, 1908, in reply to your Order No. 171.

These blue prints show the seating capacity afforded and the number of passengers carried on north and south bound cars passing the points specified between 6 o'clock in the morning and midnight. Because of the slow movement of traffic through the streets, due to vehicular congestion, there were certain periods during which the cars could not be operated with as great a frequency as specified in your Order No. 171, although sufficient cars were in service on the line to have rendered it possible to accomplish the desired result had not the tracks been obstructed to a greater degree than usual because of the severity of the weather conditions.

The heavy snow storm of January 24, the low temperature which succeeded it, the difficulty experienced by the City in clearing the streets, and the snowstorm of January 29 all combined to produce very unfavorable traffic conditions on January 31, when the temperature ranged from 4 degrees to 22 degrees. On this date the operation of cars was subjected to frequent interference, due to the fact that trucks became repeatedly stalled.

On February 7 the cars ran very irregularly throughout the day on account of the slippery condition of the streets, and the vehicular traffic crowded upon the car tracks, the drivers choosing that section of the street in preference to the roadways on either side, where less favorable conditions prevailed. The snow which fell on the night of the 5th inst. thawed slightly on the night of the 6th and froze on that night, remaining frozen during the day and night of February 7, and while the snow had been cleared from the tracks, the street on either side was coated with a layer of hard ice and snow. As the streets parallel to the thoroughfares through which the cars were operated had not been cleaned, the vehicular traffic was particularly heavy on the streets traversed by the cars, with the result that frequent long headways were caused, and the trucks of the snow contractors were a further element in the blocking of the lines. On this date the minimum temperature was 22 degrees and the maximum 29 degrees.

On February 14 the temperature was considerably higher, the minimum being 35 degrees and the maximum 48. The weather was foggy in the morning and a heavy rain fell at night, producing conditions of peculiar difficulty in connection with the operation of cars by the conduit electric system.

An examination of these six blue prints indicates that the number of passengers carried was approximately half as great as that for which seating accommodations were provided. The operation of this excessive service every day is unnecessary, and involves a waste of money urgently needed for expenditure for the improvement of the system. We recognize that there may be days when the discrepancy between the number of passengers carried and the seating capacity provided will not be as great as on the dates shown; but the provisions of your order are such that we are not

permitted to modify the service as the conditions may warrant, although such modification would not subject the public to any hardship whatsoever. It is certainly anomalous that we should be placed in the position of having responsibility for the financial welfare of the property under our jurisdiction and yet be without control over expenditures incident to its operation.

These tallies, taken at the points on the Eighth avenue line where the volume of riding is greatest, indicate that if the daily service were reduced by nearly one-half there would remain sufficient cars on the line to provide seats for all passengers, but if it is assumed that the service should be reduced by only one-third, the cost of this excessive service is about \$250,000 annually. If like conditions should be made to apply to all of the electric lines on Manhattan Island under our jurisdiction for every weekday during the year, the annual cost of such unnecessary service would be approximately \$2,000,000 or \$2,500,000.

In view of the financial condition of the property of which we are in charge, it seems unreasonable in the extreme that we should be bound by an arbitrary rule to operate a fixed number of cars at an enormous expense, regardless of the fluctuating conditions involved, to which a flexible schedule alone is applicable and yet consistent with the public welfare, and it is not equitable that because of this compulsory and fruitless expenditure we should be obliged to forego the making of improvements which would be advantageous to the travelling public.

Yours very truly,

(Signed) ADRIAN H. JOLINE,

(Signed) DOUGLAS ROBINSON,

Receivers.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT.

FRIDAY, FEBRUARY 28, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie; Commissioner Eustis being excused for the purpose of representing the Commission before the Board of Estimate in the matter of the hearing on the Broadway-Lexington avenue rapid transit route.

(1)

On motion, the record of the proceedings of the Commission for February 18, as printed in the CITY RECORD for February 25, 1908, and for February 20, as printed in the CITY RECORD for February 28, 1908, was approved.

(2)

2398

The Secretary presented a communication from the State Civil Service Commission transmitting the following resolution, which was ordered filed:

Resolved, That Edward M. Shepard, to be employed by the Public Service Commission for the First District as special counsel in the matter of certain claims of John B. McDonald, contractor, against The City of New York, aggregating \$6,000,000, be and hereby is excepted from examination under the provisions of Civil Service Rule VIII, subdivision 9, without limit as to compensation, it appearing that Mr. Shepard is engaged in private business as an attorney and counsellor at law and that the services to be rendered are professional, technical and expert, and of an occasional and exceptional character.

(3)

2063

The Secretary presented the following notice of issue of bonds from the Department of Finance, which was ordered filed:

DEAR SIR—At a meeting of the Board of Estimate and Apportionment, held January 31, 1908, the Comptroller was authorized to issue Corporate Stock to the amount of \$500,000, which was approved by the Mayor.

I beg to advise you that in accordance with the above authorization, an account has been established upon our records from which all vouchers properly chargeable against

this authorization should be drawn, entitled Rapid Transit Construction Fund—Manhattan-The Bronx (sub-title No. 6).

(4)

The Secretary presented the following notices of deposit from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which were ordered filed:

2063

DEAR SIR—I beg to advise you that on February 6, 1908, the sum of forty-five thousand nine hundred and twenty-eight dollars and sixty-nine cents (\$45,928.69) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan (sub-title No. 5). Authorized June 21, 1907, pursuant to chapter 4, Laws of 1891, as amended. Principal, \$45,000. Premium, \$928.69.

2532

DEAR SIR—I beg to advise you that on February 7, 1908, the sum of six thousand dollars (\$6,000) was deposited to the credit of Revenue Bond Fund—for the Public Service Commission for the First District, New York, Expenses of. Authorized December 20, 1907, pursuant to section 10, chapter 4, Laws of 1891, and section 14 of chapter 429, Laws of 1907.

2063

DEAR SIR—I beg to advise you that on February 13, 1908, the sum of sixty-one thousand two hundred and thirty-eight dollars and twenty-five cents (\$61,238.25) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan (sub-title No. 2). Authorized May 24, 1907, pursuant to the provisions of chapter 4, Laws of 1891, as amended by chapter 7, Laws of 1900. Principal, \$60,000. Premium, \$1,238.25.

2063

DEAR SIR—I beg to advise you that on February 18, 1908, the sum of twenty-four thousand four hundred and ninety-five dollars and thirty cents (\$24,495.30) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan (sub-title No. 4). Authorized June 21, 1907, pursuant to the provisions of section 37, chapter 4, Laws of 1891, as amended. Principal, \$24,000. Premium, \$495.30.

2063

DEAR SIR—I beg to advise you that on February 11, 1908, the sum of ten thousand two hundred and six dollars and thirty-eight cents (\$10,206.38) was deposited to the credit of Rapid Transit Construction Fund—Manhattan-Bronx (sub-title No. 1). Authorized November 23, 1906, pursuant to the provisions of chapter 378, Laws of 1897 and sections 45, 169 and 170 of the Greater New York Charter as amended. Principal, \$10,000. Premium, \$206.38.

2063

DEAR SIR—I beg to advise you that on February 11, 1908, the sum of forty thousand eight hundred and twenty-five dollars and fifty cents (\$40,825.50) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan (sub-title No. 5). Authorized June 21, 1907, pursuant to the provisions of chapter 4, Laws of 1891. Principal, \$40,000. Premium, \$825.50.

2532

DEAR SIR—I beg to advise you that on February 11, 1908, the sum of ten thousand dollars (\$10,000) was deposited to the credit of Revenue Bond Fund—for the Public Service Commission for, the First District, New York, Expenses of. Authorized December 20, 1907, pursuant to the provisions of section 10, chapter 4, Laws of 1891, as amended, and section 14, chapter 429, Laws of 1907.

(5)

3227

The Secretary presented the following resolution adopted by the Board of Estimate and Apportionment on January 24, 1908, approved by the Mayor on January 28, 1908, and transmitted to this Commission, which was ordered filed:

Whereas, This Board did on May 10, 1907, adopt a resolution authorizing the Mayor to execute, in the name and on behalf of the City, a contract between the New York Central and Hudson River Railroad Company and The City of New York, granting to the company the right to construct, maintain and operate a subway and all necessary appurtenances, for the transmission of electric current required in the operation and maintenance of its railroads now owned or leased, under and along certain streets in the Borough of The Bronx, City of New York, upon certain conditions therein fully set forth; and

Whereas, On the 13th day of June, 1907, the Mayor did execute, in the name and on behalf of The City of New York, a contract granting to the company such right, which contract was dated the 1st day of June, 1907; and

Whereas, The New York Central and Hudson River Railroad Company, in a petition, dated January 2, 1908, requests an extension of time until January 15, 1908, in which to complete the construction of the aforesaid subway; and

Whereas, The Corporation Counsel, in a communication, dated January 21, 1908, has advised this Board that the company has apparently acted in good faith and has complied with all the terms and conditions of the franchise except in the particular pointed out, and for this it seems it was in no wise responsible, and that under the peculiar circumstances of this case the extension of time applied for should be granted; now, therefore, be it

Resolved, That the Board of Estimate and Apportionment hereby grants, upon the conditions hereinafter set forth, an extension of time up to and including January 15, 1908, for the New York Central and Hudson River Railroad Company to comply with the provisions of section 2, seventh, of the aforesaid contract; and be it further

Resolved, That this extension of time shall not become operative until said New York Central and Hudson River Railroad Company shall duly execute an instrument in writing to the satisfaction of the Board of Estimate and Apportionment, and file the same in the office of the said Board within thirty (30) days from the date of the approval of this resolution by the Mayor, wherein said company shall promise, covenant and agree that the consent of the Board of Estimate and Apportionment, so given to the extension of time requested, shall not in any wise change, alter or amend any of the terms, conditions and requirements in the contract fixed and contained, which said contract shall remain in full force and effect except as herein expressly stated.

(6)

2090

The Secretary presented the following communication from the Chief Engineer with regard to the maintenance of water mains where construction is being done under the supervision of the Commission, which was ordered filed:

February 21, 1908.

Re Repairs to Water Mains.

The Hon. WM. R. WILLCOX, *Chairman, Public Service Commission for the First District:*

DEAR SIR—I received the communication from the Deputy Commissioner of the Department of Water Supply, Gas and Electricity, transmitted with the Secretary's letter of February 14, on the question of repairs to water mains.

As advised to the Commission in my letter of January 15, I took up this matter on a previous communication sent to the Commission by the Chief Engineer of that Department, and from investigation then made the matter seemed to have been satisfactorily arranged between the Bradley Contracting Company, attention at that time being called to work on their sections, and the Department of Water Supply, to maintain these water mains. In this connection I beg to inclose copy of my letter to Chief Engineer de Varona under date of January 14.

Seemingly, from Deputy Commissioner Loughman's communication of February 13, the necessary number of caulkers have not been put to work on the several sections of the Brooklyn Loop Lines. I therefore again took up this matter, and directed Division Engineer Clark to exercise necessary supervision to see that the contractors cared for these water mains and hydrants, at all times, to the reasonable satisfaction of the Department of Water Supply, Gas and Electricity, in accordance with their contracts. You will, therefore, see that this matter has been receiving constant attention, as is made plain also by the inclosed copy of report to me, under date of February 19, from Division Engineer Clark, reporting to me further in detail, by reason of this matter having again come up.

I am just in receipt of a further letter from the Secretary, of even date, transmitting another report bearing on this same matter, from the Department of Water

Supply, dated February 21. This report of mine answers this communication also, except that I will have a copy of it also referred to the Division Engineer for attention.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

(7)

1079

The Secretary presented the following requisition of the Rapid Transit Subway Construction Company, together with the certificate of the Chief Engineer approving same, and Voucher No. 000750, as approved by the Committee on Audit:

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY, }
OFFICE OF THE PRESIDENT, NO. 23 NASSAU STREET, }
NEW YORK, February 17, 1908.

Requisition No. 24, Four Track and Connections—For work done and materials furnished under contract dated July 21, 1902, Principal Contract No. 2, for the construction and operation of the Rapid Transit Railroad of The City of New York, to 31st day of December, 1907, as follows:

Total to date, relative to the contract value of the whole work.....	\$1,473,978 70
Less previous requisitions.....	932,550 65

Balance due, relative to the contract value of the whole	
work	\$541,428 05

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY,

(Signed) By E. P. BRYAN, President.

Certificate No. 24, Four Track and Connections—I hereby certify that the work done and materials furnished under contract dated July 21, 1902, Principal Contract No. 2, for the construction and operation of the Rapid Transit Railroad of The City of New York, for which Requisition No. 24, Four Track and Connections, of date February 17, 1908, is made by Rapid Transit Subway Construction Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of five hundred and forty-one thousand, four hundred and twenty-eight dollars and five cents (\$541,428.05). That such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The contractor, Rapid Transit Subway Construction Company, has made requisition on this Commission, numbered No. 24 Four Track and Connections, and dated February 17, 1908, for work done and materials furnished under contract

dated July 21, 1902, Principal Contract No. 2, for the construction and operation of the Rapid Transit Railroad of The City of New York, to 31st day of December, 1907, amounting to five hundred and forty-one thousand four hundred and twenty-eight dollars and five cents (\$541,428.05); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie.

Nays—None.

Carried

(8)

1079

The Secretary presented the following requisition of the Rapid Transit Subway Construction Company, together with the certificate of the Chief Engineer approving same, and Voucher No. 000749, as approved by the Committee on Audit:

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY, }
OFFICE OF THE PRESIDENT, No. 23 NASSAU STREET, }
New York, February 17, 1908.

Requisition No. 48—For work done and materials furnished under contract dated July 21, 1902, Principal Contract No. 2, for the construction and operation of the Rapid Transit Railroad of The City of New York, to 31st day of December, 1907, as follows:

Total to date, relative to the contract value of the whole work.....	\$1,853,908 62
Less previous requisitions.....	1,741,773 35

Balance due, relative to the contract value of the whole	
work	\$112,135 27

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY,
(Signed) By E. P. BRYAN, President.

Certificate No. 48—I hereby certify that the work done and materials furnished under contract dated July 21, 1902, Principal Contract No. 2, for the construction and operation of the Rapid Transit Railroad of The City of New York, for which Requisition No. 48, of date February 17, 1908, is made by Rapid Transit Subway Construction Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of one hundred and twelve thousand one hundred and thirty-five dollars and twenty-seven cents (\$112,135.27); that such value has been ascertained

relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and seconded:

Whereas, The contractor, Rapid Transit Subway Construction Company, has made requisition on this Commission, numbered No. 48, and dated February 17, 1908, for work done and materials furnished under contract dated July 21, 1902, for the construction and operation of the Rapid Transit Railroad of The City of New York, to the 31st day of December, 1907, amounting to one hundred and twelve thousand one hundred and thirty-five dollars and twenty-seven cents (\$112,135.27); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie.

Nays—None.

Carried

(9)

O-291

The Secretary stated that on September 18 the Commission adopted Order No. 24, requiring the Interborough Rapid Transit Company to obtain bids for an additional stairway and kiosk at the east side of the One Hundred and Thirty-seventh street and Broadway station, and an additional stairway at the east platform of the One Hundred and Forty-fifth street and Broadway station; that under dates of January 22 and January 23 communications were received from E. P. Bryan, President of the Interborough Rapid Transit Company, transmitting bids so obtained; that the matter had thereupon been referred to the Chief Engineer for his consideration and to the Counsel for the drafting of an appropriate resolution for adoption by the Commission.

The communications were as follows:

INTERBOROUGH RAPID TRANSIT COMPANY, }
NOS. 13 TO 21 PARK ROW, }
NEW YORK, January 22, 1908. }

Mr. W. R. WILLCOX, *Chairman, Public Service Commission*, No. 154 Nassau Street,
City:

DEAR SIR—In compliance with the order of the Commission, dated September 18, in relation to getting bids for the stairway and kiosk at One Hundred and Thirty-

seventh street and Broadway, east side, and an additional stairway and kiosk at One Hundred and Forty-fifth street and Broadway station, below please find list of bidders for the stairway and kiosk at One Hundred and Forty-fifth street:

J. H. Gray Company, \$22,110; time, 120 working days.
 Phoenix Construction Company, \$23,150; time, twelve weeks.
 Degnon Contracting Company, \$24,000; time, four months.
 F. S. Jackson & Co., \$25,200; time, 120 working days.
 J. H. Flick Construction Company, no bid.

Yours truly,

(Signed) E. P. BRYAN, President.

INTERBOROUGH RAPID TRANSIT COMPANY, }
 Nos. 13 to 21 PARK ROW,
 NEW YORK, January 23, 1908. }

Mr. WILLIAM R. WILLCOX, *Chairman, Public Service Commission*, No. 154 Nassau Street, City:

DEAR SIR—Referring to the order of the Commission of September 18, in relation to getting bids for the stairway and kiosk at One Hundred and Thirty-seventh street station, Broadway, east side, the blue print No. T-436 was received from the Commission December 5, and, in order that there might be no question regarding the work covered by the proposers, the matter was taken up with each one of them and all work to be executed, as shown on said plan, gone over, and I send you below revised bids as follows:

	Original Bid.	Revised Bid.	Time.
F. S. Jackson & Co.....	\$3,908 00	\$6,270 00	42 working days.
J. H. Gray Company (no change).....	5,280 00	5,280 00	75 working days.
Degnon Contracting Company.....	5,300 00	5,500 00	2 months.
J. H. Flick Construction Company.....	No bid.	.....	.....
Phoenix Construction Company.....	No bid.	.....	.....

The Degnon Contracting Company offer to deduct the sum of \$300 from their revised bid if awarded the contract for One Hundred and Forty-fifth street stairway, bids for which were sent you under date of January 22, 1908.

Yours truly,

(Signed) E. P. BRYAN, President.

January 29, 1908.

Stairways and Kiosks.

TRAVIS H. WHITNEY, Esq., Secretary, Public Service Commission for the First District:

DEAR SIR—I beg to return herewith bids for the building of stairway and kiosk at One Hundred and Forty-fifth street station, as follows:

J. H. Gray Company, \$22,110; time, 120 working days.

Phoenix Construction Company, \$23,150; time, twelve weeks.

Degnon Contracting Company, \$24,000; time, four months.

F. S. Jackson & Co., \$25,200; time, 120 working days.

J. H. Flick Construction Company, no bid.

Also bids for stairway and kiosk at One Hundred and Thirty-seventh street station, as follows:

	Original Bid.	Revised Bid.	Time.
F. S. Jackson & Co.....	\$3,908 00	\$6,270 00	42 working days.
J. H. Gray Company (no change).....	5,280 00	5,280 00	75 working days.
Degnon Contracting Company.....	5,300 00	5,500 00	2 months.
J. H. Flick Construction Company.....	No bid.	.....	.....
Phoenix Construction Company.....	No bid.	.....	.....

I notice that the J. H. Gray Company is the lowest bidder in each case. This company has done considerable work for the Department of Bridges, one example of which is the temporary extension of the Manhattan terminal of the New York-Brooklyn Bridge, just completed. They are reliable parties and understand their work, and I see no objection to awarding the contracts to them.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

Thereupon, on motion, duly seconded, the following was adopted:

ORDER (No. 291).

Whereas, In the opinion of the Public Service Commission for the First District, the station facilities at the stations of the Manhattan-Bronx Subway at One Hundred and Thirty-seventh street and Broadway and at One Hundred and Forty-fifth street and Broadway, are inadequate to accommodate the traffic at these points; and

Whereas, The contract of February 21, 1900, between The City of New York and John B. McDonald, under which the said subway was constructed, provides for the authorization of extra work as a part thereof; now therefore be it

Resolved, That the contractor be and he hereby is authorized and directed to construct one additional stairway to the east platform of the station at One Hundred and Thirty-seventh street and Broadway, and one additional stairway to the east platform of the station at One Hundred and Forty-fifth street and Broadway, in accordance with the plans submitted and numbered T-436, 1728, T-329, T-330, T-423 and S-145, as extra work under the said contract, at an expense of not to exceed five thousand two hundred and eighty dollars (\$5,280) for the additional stairway at the station at One Hundred and Thirty-seventh street and Broadway, and at an expense of not to exceed twenty-two thousand one hundred and ten dollars (\$22,110) for the construction of such stairway at the station at One Hundred and Forty-fifth street and Broadway, such expense to be paid by the City and to be added to the cost of constructing the said subway upon which the contractor is to pay rental, as in such contract provided.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie.

Nays—None.

Carried.

(10)

O-292

The Secretary presented the following communication from the Staten Island Rapid Transit Railway Company:

February 27, 1908.

The Public Service Commission, First District, State of New York, No. 154 Nassau Street, New York City:

DEAR SIRs—Prior to the effectiveness of our Tariff of Passenger Rates, P.S.C. 1 N.Y., No. 1, we maintained a rate of \$2 on school books between Rosebank and Fort Wadsworth.

The School Department of The City of New York purchased about 200 of these tickets per month, and Dr. Bardwell, Superintendent of Schools, Borough of Richmond, feels that we should have maintained the rate of \$2 until the expiration of the current school year. We have no objection to continuing the rate between the points named, to July 1, 1908, but will not be able to do so unless your Commission will accept tariff on one day's notice. Will you not kindly advise.

Yours very truly,

(Signed) GEORGE J. BROWN,
General Traffic Agent.

It was thereupon moved and duly seconded that the following order be adopted by the Commission:

ORDER (No. 292).

In the Matter
of the
Application of the Staten Island Rapid
Transit Railway Company for permission
to change tariff schedules.
"Rate of Two Dollars on school books
between Rosebank and Fort Wadsworth."

Whereas, the Staten Island Rapid Transit Railway Company on February 27, 1908, has applied in writing for permission to put into effect, within one day after publication at stations and filing with the Commission, a tariff of two dollars upon school books between Rosebank and Fort Wadsworth, to continue in effect until the 1st day of July, 1908,

Now, upon motion made and duly seconded, it is

Resolved, That the above application be and the same hereby is granted.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie.

Nays—None.

Carried.

(11)

O-293

The Secretary presented the following order:

COMPLAINT ORDER (No. 293).

William H. Ten Eyck,
Complainant,
against
Interborough Rapid Transit Company,
Defendant.

The order of the Commission, being Order No. 293, for satisfaction or answer within ten (10) days, as to failure to run the elevators at Mott avenue and One Hundred and Forty-ninth street subway station after 1 o'clock a. m., was approved, confirmed and ordered filed in the office of the Commission.

(12)

2094

The Secretary presented a form of agreement from the Counsel, executed in duplicate by William Gullery, for the sale by him of certain easements of property owned by him, and known as Nos. 187 and 189 Mulberry street, for the sum of \$40,145, and on motion, duly seconded, the following was adopted:

Resolved, That the said purchase be approved, and that the form of the said agreement be and the same hereby is approved, and that the Chairman and the Secretary of the Commission be and they hereby are authorized and directed to execute in duplicate said agreement, under the seal of the Commission, on behalf of The City of New

Resolved, That this extension of time shall not become operative until said New York Central and Hudson River Railroad Company shall duly execute an instrument in writing to the satisfaction of the Board of Estimate and Apportionment, and file the same in the office of the said Board within thirty (30) days from the date of the approval of this resolution by the Mayor, wherein said company shall promise, covenant and agree that the consent of the Board of Estimate and Apportionment, so given to the extension of time requested, shall not in any wise change, alter or amend any of the terms, conditions and requirements in the contract fixed and contained, which said contract shall remain in full force and effect except as herein expressly stated.

(6)

2090

The Secretary presented the following communication from the Chief Engineer with regard to the maintenance of water mains where construction is being done under the supervision of the Commission, which was ordered filed:

February 21, 1908.

Re Repairs to Water Mains.

The Hon. WM. R. WILLCOX, *Chairman, Public Service Commission for the First District:*

DEAR SIR—I received the communication from the Deputy Commissioner of the Department of Water Supply, Gas and Electricity, transmitted with the Secretary's letter of February 14, on the question of repairs to water mains.

As advised to the Commission in my letter of January 15, I took up this matter on a previous communication sent to the Commission by the Chief Engineer of that Department, and from investigation then made the matter seemed to have been satisfactorily arranged between the Bradley Contracting Company, attention at that time being called to work on their sections, and the Department of Water Supply, to maintain these water mains. In this connection I beg to inclose copy of my letter to Chief Engineer de Varona under date of January 14.

Seemingly, from Deputy Commissioner Loughman's communication of February 13, the necessary number of caulkers have not been put to work on the several sections of the Brooklyn Loop Lines. I therefore again took up this matter, and directed Division Engineer Clark to exercise necessary supervision to see that the contractors cared for these water mains and hydrants, at all times, to the reasonable satisfaction of the Department of Water Supply, Gas and Electricity, in accordance with their contracts. You will, therefore, see that this matter has been receiving constant attention, as is made plain also by the inclosed copy of report to me, under date of February 19, from Division Engineer Clark, reporting to me further in detail, by reason of this matter having again come up.

I am just in receipt of a further letter from the Secretary, of even date, transmitting another report bearing on this same matter, from the Department of Water

Supply, dated February 21. This report of mine answers this communication also, except that I will have a copy of it also referred to the Division Engineer for attention.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

(7)

1079

The Secretary presented the following requisition of the Rapid Transit Subway Construction Company, together with the certificate of the Chief Engineer approving same, and Voucher No. 000750, as approved by the Committee on Audit:

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY, }
OFFICE OF THE PRESIDENT, No. 23 NASSAU STREET, }
NEW YORK, February 17, 1908. }

Requisition No. 24, Four Track and Connections—For work done and materials furnished under contract dated July 21, 1902, Principal Contract No. 2, for the construction and operation of the Rapid Transit Railroad of The City of New York, to 31st day of December, 1907, as follows:

Total to date, relative to the contract value of the whole work.....	\$1,473,978 70
Less previous requisitions.....	932,550 65

Balance due, relative to the contract value of the whole	
work	\$541,428 05

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY,

(Signed) By E. P. BRYAN, President.

Certificate No. 24, Four Track and Connections—I hereby certify that the work done and materials furnished under contract dated July 21, 1902, Principal Contract No. 2, for the construction and operation of the Rapid Transit Railroad of The City of New York, for which Requisition No. 24, Four Track and Connections, of date February 17, 1908, is made by Rapid Transit Subway Construction Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of five hundred and forty-one thousand, four hundred and twenty-eight dollars and five cents (\$541,428.05). That such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The contractor, Rapid Transit Subway Construction Company, has made requisition on this Commission, numbered No. 24 Four Track and Connections, and dated February 17, 1908, for work done and materials furnished under contract

dated July 21, 1902, Principal Contract No. 2, for the construction and operation of the Rapid Transit Railroad of The City of New York, to 31st day of December, 1907, amounting to five hundred and forty-one thousand four hundred and twenty-eight dollars and five cents (\$541,428.05); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie.

Nays—None.

Carried

(8)

1079

The Secretary presented the following requisition of the Rapid Transit Subway Construction Company, together with the certificate of the Chief Engineer approving same, and Voucher No. 000749, as approved by the Committee on Audit:

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY, }
OFFICE OF THE PRESIDENT, No. 23 NASSAU STREET, }
New York, February 17, 1908.

Requisition No. 48—For work done and materials furnished under contract dated July 21, 1902, Principal Contract No. 2, for the construction and operation of the Rapid Transit Railroad of The City of New York, to 31st day of December, 1907, as follows:
Total to date, relative to the contract value of the whole work..... \$1,853,908 62
Less previous requisitions..... 1,741,773 35

Balance due, relative to the contract value of the whole
work \$112,135 27

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY,
(Signed) By E. P. BRYAN, President.

Certificate No. 48—I hereby certify that the work done and materials furnished under contract dated July 21, 1902, Principal Contract No. 2, for the construction and operation of the Rapid Transit Railroad of The City of New York, for which Requisition No. 48, of date February 17, 1908, is made by Rapid Transit Subway Construction Company, the contractor, has been done and furnished in accordance with the terms of the contract to the value of one hundred and twelve thousand one hundred and thirty-five dollars and twenty-seven cents (\$112,135.27); that such value has been ascertained

relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and seconded:

Whereas, The contractor, Rapid Transit Subway Construction Company, has made requisition on this Commission, numbered No. 48, and dated February 17, 1908, for work done and materials furnished under contract dated July 21, 1902, for the construction and operation of the Rapid Transit Railroad of The City of New York, to the 31st day of December, 1907, amounting to one hundred and twelve thousand one hundred and thirty-five dollars and twenty-seven cents (\$112,135.27); and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie.

Nays—None.

Carried

(9)

O-291

The Secretary stated that on September 18 the Commission adopted Order No. 24, requiring the Interborough Rapid Transit Company to obtain bids for an additional stairway and kiosk at the east side of the One Hundred and Thirty-seventh street and Broadway station, and an additional stairway at the east platform of the One Hundred and Forty-fifth street and Broadway station; that under dates of January 22 and January 23 communications were received from E. P. Bryan, President of the Interborough Rapid Transit Company, transmitting bids so obtained; that the matter had thereupon been referred to the Chief Engineer for his consideration and to the Counsel for the drafting of an appropriate resolution for adoption by the Commission.

The communications were as follows:

INTERBOROUGH RAPID TRANSIT COMPANY, }
NOS. 13 TO 21 PARK ROW, }
NEW YORK, January 22, 1908. }

Mr. W. R. WILLCOX, *Chairman, Public Service Commission*, No. 154 Nassau Street, City:

DEAR SIR—In compliance with the order of the Commission, dated September 18, in relation to getting bids for the stairway and kiosk at One Hundred and Thirty-

one of the connecting lines on either side of the East River, it would be necessary to charge a separate fare for passengers over its line, in order to earn the expenses of operation and a reasonable interest charge upon the investment.

On the other hand, if The City of New York should purchase the property under an arrangement such as we have to suggest, a passenger could travel from any point on the line of the New York and Queens County Railway in the Borough of Queens, to Forty-second street and Fourth avenue, Manhattan, for one fare of five cents, thus securing to the inhabitants of that Borough the same advantages which are now enjoyed by the residents of Jersey City and Hoboken, and their environs, and which will be greatly enhanced upon the opening of the remaining tunnels of the Hudson companies, under the North River, and which are also now enjoyed by the residents of the Borough of Brooklyn.

What we have to suggest, therefore, is that The City of New York should purchase all of the tunnel railroad and rights of the New York and Long Island Railroad Company and its successors (excluding real estate not required for the right of way), at its actual cost to Interborough Rapid Transit Company for construction, real estate necessary for rights of way, interest charges, etc., say \$7,239,476.50. The exact amount of real estate required will be a subject for adjustment and when determined on, its cost as well as the cost of all other items may be verified by an independent audit.

We would be willing to accept payment of the purchase price in the four per cent. bonds of The City of New York, at par. We would further suggest that upon this purchase The City of New York should enter into an operating contract with New York and Queens County Railway Company to operate the tunnel railroad in connection with its system of surface railways in Queens, for a period of twenty-five years, upon the following terms, viz.:

The expenses of operation to be fixed by agreement at an arbitrary sum to represent the estimated cost, and one-half of said sum to be paid by the City, the balance to be met by the company. A single fare of five cents to be charged between Forty-second street and Fourth avenue, Manhattan, and any point on the line of the New York and Queens County Railway.

There are two stations on the line of the tunnel in the Borough of Queens, viz.: At Fourth street and Jackson avenue, and at Fourth street and Van Alst avenue. All fares received at these two stations to be treated as local westbound fares, and double the aggregate of such fares to be taken as the total local fares. All local fares to be paid to the City until it shall have been reimbursed all amounts advanced by it for operating expenses, and all interest on the City bonds issued in payment for the tunnel, and a sinking fund of one per cent. per annum on such bonds, including all arrears of such interest and sinking funds. All through fares to be retained by the operating company.

When the aggregate of the local fares shall have repaid to the City all amounts advanced by it for operating expenses and all interest and sinking fund installments paid or accrued on its bonds issued in payment for the property, then any surplus of local fares shall be divided equally between the City and the company.

From the best information available to us, we are satisfied that there would be not less than 5,000,000 local fares received during the first year of the operation of the tunnel, and in this event the deficiency between the City's shares of the revenues and the interest on its bonds would be very slight. On the other hand, the resulting increase in taxable values in the Borough of Queens, consequent upon the opening of this route and the giving of the residents of that Borough a means of reaching the heart of Manhattan for a single fare of five cents, would far more than offset any loss to the City in interest for one or possibly two or three years.

In fact, based on the strength of the improvement which the opening of the Steinway tunnel will give that territory more than any other one cause, the City has increased the taxable value of Queens during the last three years about \$140,000,000. This, on the basis of fifteen mills, will bring in this year \$2,100,000. It is believed, however, this increase in the value of the property in that section is but the beginning of what will follow the giving to that territory the benefit of rapid transit service to the heart of Manhattan on a five-cent basis. This is especially true of the territory immediately adjacent to the stations of the tunnel situated in Long Island City. This territory is in process of preparation for development, and is now being filled and laid out in streets, and will in a very short time be occupied by a very substantial population.

In case this general proposition commends itself to your judgment, we should be happy to take up with you a consideration of the details and a means of carrying it out.

I have the honor to be, sir,

Yours very respectfully,

(Signed) T. P. SHONTS, Chairman.

(17)

O-296

Commissioner Bassett moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 296).

In the Matter
of

The hearing on the motion of the Commission on the question of improvements in and additions to the service and equipment of the Brooklyn Union Elevated Railroad Company, in the particulars hereinbelow mentioned.

Under Order for Hearing No. 202, made
January 14, 1908.

This matter coming on upon the report of the hearing had herein on the 27th day of January, 1908, and the adjournments thereof, and it appearing that the said hear-

ing was held by and pursuant to an order of this Commission, No. 202, made January 14, 1908, and returnable on the 27th day of January, 1908, and that the said order was duly served upon the Brooklyn Union Elevated Railroad Company, and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on the 27th day of January, 1908, and by adjournment duly had on the 3d day of February, 1908, and by adjournment duly had on the 14th day of February, 1908, and by adjournment duly had on the 18th day of February, 1908, and that at each of said sessions Mr. Commissioner Bassett presided, and proof being taken, and Grosvenor H. Backus, Esq., Assistant Counsel, appearing for the Commission at each of said sessions, and J. F. Calderwood, Esq., Vice-President and General Manager of said company, and Arthur N. Dutton, Esq., Superintendent of Transportation of said company, appearing for said company.

Now, it being made to appear after the proceedings upon the said hearing that the service of the Brooklyn Union Elevated Railroad Company is unreasonable and inadequate, in that said company does not operate trains enough or cars enough reasonably to accommodate the passenger traffic transported by it or offered for transportation to it at the times hereinafter specified, and it appearing that it would be just, reasonable and proper that said service of the Brooklyn Union Elevated Railroad Company upon its Brighton Beach line should be supplemented in the particulars hereinafter set forth, and at the times so hereinafter set forth.

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the said Brooklyn Union Elevated Railroad Company increase and supplement its said service upon its Brighton Beach line, in the particulars and by the means hereinafter stated, and at the times hereinafter set forth, excepting on Saturday afternoons, Sundays and holidays, to wit:

North and West Bound Service.

(1) By an increase of one (1) car to be added to the five (5) car train from Brighton Beach to New York, passing Franklin avenue station between 7 a. m. and 7.30 a. m., so that said company shall operate at least two (2) six-car trains from Brighton Beach to New York, past Franklin avenue, between said hours.

(2) By an increase of two (2) cars, one (1) car to be added to each of the five (5) car trains from Brighton Beach to New York, passing Franklin avenue station between 9 a. m. and 9.30 a. m., so that said company shall operate at least four (4) six-car trains from Brighton Beach to New York, past Franklin avenue, between 9 a. m. and 9.30 a. m.

East and South Bound Service.

(3) By an increase of one (1) car to be added to the train from New York to Brighton Beach, due at Franklin avenue station at 5.32½ p. m., so that said company shall operate three (3) six-car trains from New York to Brighton Beach, past Franklin avenue, between 5.30 p. m. and 6 p. m.

(4) By an increase of three (3) cars, one (1) car to be added to the five (5) car train due at Franklin avenue at 6.51 p. m., and two (2) cars to be added to the train due at Franklin avenue at 6.59 p. m., so that said company shall operate four (4) six-car trains from New York to Brighton Beach, past Franklin avenue station, between 6.30 p. m. and 7 p. m.

And it is further

Ordered, That this order shall take effect on or before the 6th day of March, 1908, and shall remain in force until modified by the further order of this Commission. And it is further

Ordered, That on or before the 5th day of March, 1908, the Brooklyn Union Elevated Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie.

Nays—None.

Carried.

(18)

2879

The Secretary presented a communication from Henry B. Seaman, Chief Engineer, stating that certain Inspectors of Masonry had requested leave of absence for thirty days, without pay, beginning March 1, 1908, and recommending that such requests for leave of absence be granted.

On motion, duly seconded, the following was adopted:

Resolved, That leave of absence for thirty days, without pay, to begin March 1, 1908, be granted to E. F. Adams, T. W. Carr, P. J. Lovely and S. E. Nichols, Inspectors of Masonry.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie.

Nays—None.

Carried

TRAVIS H. WHITNEY, SECRETARY.

The first of these is the fact that the
the second is the fact that the
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the ninth is the fact that the

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, MARCH 3, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

2063

The Secretary presented the following notices of deposit from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which were ordered filed:

DEAR SIR—I beg to advise you that on February 18th, 1908, the sum of Twenty-Five Thousand Five Hundred Fifteen and 94/100 Dollars (\$25,515.94) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan (Sub-Title No. 3).

Authorized June 21st, 1907, pursuant to the provisions of Section 37 Chapter 4 Laws of 1891 as amended.

Principal	\$25,000 00
Premium	515 94

DEAR SIR—I beg to advise you that on February 24th, 1908, the sum of One Hundred and Seven Thousand One Hundred and Sixty-six and 94/100 Dollars (\$107,166.94) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan, (Sub-Title No. 1). Authorized April 19th, 1907, pursuant to the provisions of Section 37 Chapter 4 Laws of 1891 as amended.

Principal	\$105,000 00
Premium	2,166 94

(16)

[Form 2005]

[1 M (B)]

(2)

3226

The Secretary presented the following report of the Chief Engineer as to ventilating chambers in the subway, which was ordered filed:

February 28, 1908.

Ventilating Chambers.

The Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—I beg leave to report that I have had the ventilating chambers along the line of the subway inspected to ascertain if, in case of emergency, they would afford proper egress from the subway, and find that, with a few exceptions where some slight defects were found, they are properly equipped and in satisfactory condition. The operating Company has been instructed to promptly remedy those requiring correction, as noted below:

1. At 42d Street chamber the lamps at the exit sign and ladders were not lighted.
2. At 25th Street chamber there is a small depression in the floor, which should be boarded over to make the exit safe.
3. At Grand Street chamber the lamps at the street ladders are not lighted.
4. At Franklin Street chamber the door from emergency exit into the ventilating chamber is out of order and the handle off.
5. The exit signs in the subway at all chambers have become more or less covered with dust and should be cleaned.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

(3)

3239

The Secretary presented the following communication from the Chief Engineer, which was ordered filed:

February 29, 1908.

Fire in Joralemon Street Ventilating Shaft.

The Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—I beg to report that a small wooden shanty or box, about 4 ft. square, located at the bottom of the Joralemon Street ventilating shaft, and used by the watchman as a shelter from draughts and cold, caught fire about 6 o'clock yesterday morning, presumably from a short-circuit of the electric light wire. The fire was put out by hand extinguishers, but the heat was sufficient to melt the insulation of the two 200 volt feeder cables on the east wall of the shaft, and caused them to short-circuit also.

As a result of the smoke and the short-circuit in the feeder cables, traffic was suspended between 6:05 and 7:00 a. m. Service was then resumed, and repairs to the feeder cables are in progress. There was no other damage.

There is a similar shanty or sentry box in the Manhattan ventilating shaft, and arrangements have been made to have it removed, or replaced by a fire-proof one.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

(4)

2605

The Secretary stated that the following moneys collected as fees during the month of February had been transmitted to the Comptroller of the City to be accredited to the city treasury, in accordance with the provisions of the Public Service Commissions Act:

Amount collected in payment for testing of Gas Meters by the Commission	\$393 75
Amount received for certified copies of reports made by corporations to the Commission; of evidence of corporations before the Commission; for records and papers of the Commission, and for copies of contracts, drawings, maps, etc.....	32 45
Subpoena and witness fees in various litigations.....	1 50
Total.....	<u>\$427 70</u>

(5)

2090

The Secretary presented the following communication from the Degnon Contracting Company, and letter from the Chief Engineer in connection therewith, which were ordered filed:

THE DEGNON CONTRACTING COMPANY, }
SIXTY WALL STREET,
NEW YORK, February 29, 1908. }

Public Service Commission, No. 154 Nassau Street, City:

GENTLEMEN—Referring to the matter of the High Pressure Salt Water Mains which have been laid by the Department of Water Supply, Gas and Electricity along the work which we have under contract with you for the construction of Section 9-0-2 of the Brooklyn Loop Lines, and to which we referred in our letter to your Chief Engineer on September 9, 1907, and in subsequent letters, we beg to notify you that a 16" main has been laid through Canal Street and through portions of Center Street and we learn that it is proposed to turn the water into these during the coming week.

We find upon examination where portions of these mains have been exposed, that some of the joints are in an unsafe condition and would give away as soon as the pressure had been placed upon the mains. It is our belief that this will cause great damage to our works and to adjacent property and buildings with probable loss of life if this water is turned on at the present time or before the subway structure is completed. We would request that you take such steps as may prevent the

water being turned on and wish to notify you that any damage to our works which may result from such action, we shall expect to be reimbursed for by the City.

Yours very truly,

(Signed), H. C. SANFORD, Treasurer.

March 3rd, 1908.

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—In reply to the communication from The Degnon Contracting Company, dated February 29th, addressed to the Public Service Commission, transmitted to me by the Secretary on March 2nd, relative to turning on the water in the high pressure salt water mains laid by the Department of Water Supply, Gas and Electricity on Canal Street, I beg to report that the main referred to and its connections, were laid subsequent to the letting of the contract for Section 9-0-2 and beginning of work thereon by The Degnon Contracting Company.

The question as to responsibility for supporting this main has already been referred to and passed upon by the Commission, and following the decision of the Commission, the contractor has been given written as well as verbal instructions by the Division Engineer in charge to properly support the mains.

The question as to the method of supporting this main in a safe manner, has been taken up with the Chief Engineer of the Department of Water Supply, Gas and Electricity, and I am now awaiting a reply from him.

In view of the importance of this high pressure system, I do not think it desirable for the Commission to raise any objection as to the putting on of the pressure on these mains.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

(6)

2090

The Secretary presented the following communication from John H. O'Brien, Commissioner, Department of Water Supply, Gas and Electricity, transmitting a letter from the Chief Engineer of Water Supply, with regard to the high pressure fire system, both of which were referred to the Chief Engineer:

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY, }
COMMISSIONER'S OFFICE, 13 TO 21 PARK ROW,
CITY OF NEW YORK, March 2, 1908. }

To the Public Service Commission, City:

GENTLEMEN—I beg to transmit herewith a letter from the Chief Engineer of Water Supply, setting forth the very serious condition in connection with the High Pressure Fire System, due to plan alterations for subway work under your jurisdiction. I think it is time, in the public interest, that some arrangements should be made by

which this department can be advised in reasonable time of such plans and contracts contemplated by you as will interfere with the existing water system. The modifications which have been made in the subway plans, and of which this department has never been notified, will seriously cripple the High Pressure System.

Respectfully,

(Signed) JOHN H. O'BRIEN, Commissioner.

February 28th, 1908.

Hon. JOHN H. O'BRIEN, Commissioner:

SIR—The cut-offs of portion of work already done on our High Pressure Fire Service distribution system, exposure of mains and hydrants to breakage and partial suspension of work for an indefinite period by the Public Service Commission in carrying out their work, have reached already such proportions, and may apparently continue to such an extent, that I deem it essential to call your attention to this matter for such action as you may deem advisable. The following is a schedule of the changes and suspensions up to date:

At Bowery and Delancey St.—

A change in the roof of the tunnel where it crosses the Bowery will compel us to cut out the 24-inch main on the Bowery during the construction of the tunnel, thus interrupting the principal feed main of the High Pressure Fire System on the East Side. Our mains there have been for some time in place, and it was only by accident that we discovered the change made in the plans for the tunnel at that point.

Bowery and Canal St.—

A similar change in the tunnel at that point will compel us either to suspend the 24-inch main already laid or to cut it out during the construction of the tunnel.

Broome and Center Sts.—

Changes made in the plans and in elevation of the roof of the tunnel and construction of vent chambers at Broome and Center Sts. will compel us to cut out the 20-inch line on Broome St. pending construction of work. This will put out of service the only large east and west feed line at present built between Houston and Chambers Sts., during construction.

Canal St., between Center St. and the Bowery—

As already stated to you in previous letters, we suspended the laying of the 16-inch main in Canal St. during the construction of the subway in that street, at the request of the Public Service Commission. We have, therefore, no High Pressure main in Canal St. between Baxter and Mulberry Sts., and the hydrants already set on the Canal St. line between Mulberry St. and the Bowery are out of service, and it is difficult for us to say how long this will continue, as, according to our information, the plans for the tunnel at that point have also been changed, and the time for completion on the part of the contractors has been extended.

Chambers St., between Park Row and Center St.—

As you have already been advised, at Chambers St. between Park Row and Center St. the 24-inch line in Chambers St. has been left in the air and supported for about 150 feet on a high timber trestle over the deep cut and without any lateral bracing. It evidently would be very dangerous to put that line in service under such conditions, and, if left out, no direct feed line will be left from Oliver St. Station to the West Side mains.

Center St., between Chambers and Broome Sts.—

The construction of the line in Center St. was also held up, under agreement with the Public Service Commission, pending the construction of pipe galleries in connection with the subway now being built in this street, and the Public Service Commission agreed to provide room in the pipe galleries to be constructed for our High Pressure Fire mains. I have been informed, however, that the plans here have also been changed; that the pipe galleries have been eliminated, and the roof raised, making it doubtful if sufficient cover on the roof may be left to allow the laying of the 20-inch line, its connections and hydrants. On this subject I have also communicated with you.

Mott St., between Park and Canal Sts.—

Owing to the construction of a large sewer in this street as a part of the work on the Center St. subway, we are held back from laying the 12-inch High Pressure main for at least six months, in order to allow for the settlement over the 30 ft. deep trench.

(See P.S.).

It is pertinent to add that several months ago we were furnished with a copy of the plans of the subway on Center and Canal St., although, as the records will show, these plans were prepared long after the contracts for the High Pressure Fire System had been given out, and work on the same was far advanced. Yet, as we are informed, these plans have been changed, as shown in the specific cases above mentioned, and we do not know in how many other places our mains will be interfered with, as no copy of the modified plans has been given to us. It is evident that under such conditions, with a dislocated system, not only will its efficiency be impaired, but the very safety of the service is in danger; there is no way of estimating when the system will be entirely completed as planned and serious complications will arise with the contractors for this work. The matter certainly requires immediate attention and the adoption of such measures as may prevent the crippling of the High Pressure Fire System and what now seems to be the almost indefinite postponement of its completion as planned.

I desire to call your attention to two letters from Mr. Travis H. Whitney, Secretary of the Public Service Commission, addressed to the Deputy and Acting Commissioner of this Department, Mr. Loughman, which have been referred to me. In the

first one, dated Feb. 20th, the Secretary acknowledges receipt of your communication in regard to making proper provision for the High Pressure Fire Main in Center St., and advises you that this matter has been referred to Chief Engineer Seaman, who will communicate directly with you in this matter. Up to date we have no advices from Mr. Seaman. The second letter is dated Feb. 24th and relates to your communication of Feb. 21st, asking that our water mains across the tunnel excavation at Chambers and Center Sts. be properly protected, and the Secretary states that the matter has been referred to the Chief Engineer, who has called the attention of the contractor to his obligation to protect such mains and has asked him to get in touch immediately with our Department upon this matter. For obvious reasons, we cannot control the contractor of the Public Service Commission and have no means to enforce any directions we might give him. We must look to the Public Service Commission for the adoption of such measures as will compel their contractor to protect our mains.

I return herewith the two letters from the Secretary of the Public Service Commission, dated Feb. 20th and 24th respectively.

Yours respectfully,
(Signed) I. M. DEVARONA, Chief Engineer.

P.S.—

6th Ave., from 14th to 23rd Sts., inclusive—

The Degnon Co. have cut our lines across 6th Ave. at every intersecting street from 14th to 23rd Sts., both inclusive, except on 22nd St., in connection with their work on the Hudson Co. tunnel.

(7)

O-297

The Secretary presented the following resolution adopted by the Board of Aldermen on February 25, 1908, and transmitted to this Commission:

Whereas, The failure of the Brooklyn Rapid Transit Company to operate cars on its Nassau avenue line from shortly after midnight to about 5 o'clock in the morning works a hardship on many residents in that section of the city and is an inconvenience from which they should not be compelled to suffer; therefore

Resolved, That the Public Service Commission for the First District be and hereby is requested to require the said Brooklyn Rapid Transit Company to operate the cars on its Nassau avenue branch under a reasonable headway at all hours of the night.

It was thereupon moved and duly seconded that the following order be adopted:

COMPLAINT ORDER (No. 297).

Board of Aldermen,
Complainants,
against
Brooklyn Heights Railroad Company,
Defendant.

The order of the Commission, being Order No. 297, for satisfaction or answer within ten (10) days, as to failure to operate cars on Nassau avenue line from midnight to 5 a. m., was approved, confirmed and ordered filed in the office of the Commission.

(8)

2965

On motion, duly seconded, it was

Resolved, That the following appointment be made from the Civil Service list:

Name.	Position.	Salary.	To Take Effect.
Francis P. Crowley.....	Office Boy.....	\$30 per month.....	March 3, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(9)

1265

The Secretary presented the following resolution, and it was moved and duly seconded that same be adopted by the Commission:

Whereas, On January 14, 1908, pursuant to a resolution of the Commission, a requisition was duly made and transmitted to the Board of Estimate and Apportionment for the authorization of the sale of an amount of corporate stock of the City of New York sufficient to pay for easements for light, air and access necessary for the construction, maintenance and operation of an elevated railroad for the Van Cortlandt Park extension of the Rapid Transit Railroad in premises fronting on the easterly side of Broadway beginning at 233rd Street, running north about 637 feet, and

Whereas, The title to said premises has been examined by the Lawyer's Title Insurance and Trust Company, which company has issued a certificate stating that said premises known as Lot No. 1 in Block No. 3268 and Lot No. 1 in Block No. 3269 are vested in and can be conveyed by William B. Denison, Josephine B. Kroger and Evelyn C. Gagnebin, and

Whereas, The purchase price of said easements in said Lot No. 1, in said Block No. 3268, having a frontage of 363.10 feet on Broadway is \$2904.80, or at the rate of \$8.00 a front foot, and the purchase price of said easements in said Lot No. 1, in said Block No. 3269, having a frontage of 273.78 feet on Broadway is \$2190.24, or at the rate of \$8.00 a front foot, making in all the sum of \$5,095.04, now therefore be it

Resolved, That a voucher be drawn in due form on the Comptroller of the City of New York for the sum of \$5,095.04, the amount of the purchase price of the said easements in said property.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(10)

O-298

Commissioner McCarroll moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 298).

In the Matter
of

The inquiry into the operation of elevated
trains by the Brooklyn Union Elevated
RR. Company over the Brooklyn Bridge
and at its terminal.

Resolved, That the Public Service Commission for the First District, pursuant to the provisions of the Public Service Commissions Law, institute an inquiry as to the operation of elevated trains of the Brooklyn Union Elevated Railroad Company over the Brooklyn Bridge and at its terminals, and a hearing thereon be held on March 6th, 1908, at 2 o'clock and at such further times to which the same may be adjourned.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(11)

O-299

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 299).

John H. O'Brien,
Complainant,
against

New York Central and Hudson River Rail-
road Company,
Defendant.

"Maintenance of overhead high tension
system contrary to permit granted
by City."

Upon the complaint of John H. O'Brien, Commissioner of Water Supply, Gas and Electricity, upon which Complaint Order No. 231 was issued herein, the thirty-first day of January, 1908, and the answer of the New York Central and Hudson River Railroad Company thereto, verified the thirteenth day of February, 1908, it is

Ordered, That upon the matters therein, a hearing be had on the eighteenth day of March at two-thirty o'clock in the afternoon (2:30 P. M.), or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable; further

Ordered, That the said complainant and the said New York Central and Hudson River Railroad Company be given at least ten (10) days notice of such hearing by service upon said John H. O'Brien, City Hall, New York City, and upon said Railroad company, either personally or by mail, of a certified copy of this order, and that

at such hearing said complainant and said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Eustis to conduct the hearing.

(12)

O-300

Commissioner Bassett presented the following order:

COMPLAINT ORDER (No. 300).

Lawrence S. Folger,
Complainant,
against

Long Island Railroad Company,
Defendant.

The order of the Commission, being Order No. 300, for satisfaction or answer within ten (10) days, as to excessive rate of fare for monthly commutation tickets, and lack of service on the Whitestone Branch, was approved, confirmed and ordered filed in the office of the Commission.

(13)

O-301

Commissioner McCarroll presented the following order:

COMPLAINT ORDER (No. 301).

Albert H. McGeehan,
Complainant,
against

Staten Island Railway Company,
Defendant.

The order of the Commission, being Order No. 301, for satisfaction or answer within ten (10) days, as to the refusal to accept tickets presented more than three days after purchase, for use between St. George and Tottenville, was approved, confirmed and ordered filed in the office of the Commission.

(14)

O-302

Commissioner Maltbie presented the following order:

COMPLAINT ORDER (No. 302).

James H. Canfield,
Complainant,
against

Forty-second Street, Manhattanville and
St. Nicholas Avenue Railroad Company,
and Frederick W. Whitridge, its Receiver,
Defendants.

The order of the Commission, being Order No. 302, for satisfaction or answer within ten (10) days, as to lack of heat on Broadway cars, was approved, confirmed and ordered filed in the office of the Commission.

(15)

O-303

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 303).

In the Matter
of the

Complaint of J. Monheimer against the Brooklyn Union Elevated Railroad Company; Brooklyn Heights Railroad Company; Nassau Electric Railroad Company; Brooklyn, Queens County and Suburban Railroad Company; Coney Island and Gravesend Railway Company; South Brooklyn Railway Company, and the Sea Beach Railway Company.

"Ten cent fare to Coney Island."

An order, No. 276a, having been made herein on or about the 21st day of February, 1908, ordering and directing the Brooklyn Union Elevated Railroad Company, Brooklyn Heights Railroad Company, Nassau Electric Railroad Company, Brooklyn, Queens County and Suburban Railroad Company, Coney Island and Gravesend Railway Company, South Brooklyn Railway Company, and the Sea Beach Railway Company to answer the complaint herein within the time therein specified, and the Brooklyn Union Elevated Railroad Company, the Brooklyn Heights Railroad Company, Nassau Electric Railroad Company, Brooklyn, Queens County and Suburban Railroad Company, Coney Island and Gravesend Railway Company, South Brooklyn Railway Company and the Sea Beach Railway Company, having, on February 29th, 1908, applied in writing for an extension of such time.

Now, on motion, it is

Ordered, That the time of the Brooklyn Union Elevated Railroad Company, Brooklyn Heights Railroad Company, Nassau Electric Railroad Company, Brooklyn, Queens County and Suburban Railroad Company, Coney Island and Gravesend Railway Company, South Brooklyn Railway Company, and the Sea Beach Railway Company, within which to answer said complaint be, and the same hereby is, extended to and including the fourteenth day of March, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(16)

O-304

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 304).

In the Matter

of the

Complaint of Scott MacReynolds against
Brooklyn Union Elevated Railroad Company,
Brooklyn Heights Railroad Company,
Nassau Electric Railroad Company,
Brooklyn, Queens County and
Suburban Railroad Company, Coney
Island and Gravesend Railway Company.

"Ten cent fare to Coney Island."

An order, No. 276, having been made herein on or about the 21st day of February, 1908, ordering and directing the Brooklyn Union Elevated Railroad Company, Brooklyn Heights Railroad Company, Nassau Electric Railroad Company, Brooklyn, Queens County and Suburban Railroad Company and the Coney Island and Gravesend Railway Company, to answer the complaint herein within a time therein specified, and the said Brooklyn Union Elevated Railroad Company, Brooklyn Heights Railroad Company, Nassau Electric Railroad Company, Brooklyn, Queens County and Suburban Railroad Company and the Coney Island and Gravesend Railway Company, having applied for an extension of such time,

Now, on motion, it is

Ordered, That the time of the Brooklyn Union Elevated Railroad Company, Brooklyn Heights Railroad Company, Nassau Electric Railroad Company, Brooklyn, Queens County and Suburban Railroad Company, and the Coney Island and Gravesend Railway Company, within which to answer said complaint be, and the same hereby is, extended to and including the fourteenth day of March, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Rustis.

Nays—None.

Carried.

(17)

O-305

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 305).

Scott MacReynolds,
Complainant,
against

Coney Island and Brooklyn Railroad Company.

"Ten cent fare to Coney Island."

An order, No. 275, having been made herein on or about the 21st day of February, 1908, ordering and directing the Coney Island and Brooklyn Railroad Company to

answer the complaint herein within a time therein specified, and the said Coney Island and Brooklyn Railroad Company having, on March 2nd, 1908, applied in writing for an extension of such time,

Now, on motion, it is

Ordered, That the time of the Coney Island and Brooklyn Railroad Company within which to answer said complaint be, and the same hereby is, extended to and including the fourteenth day of March, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(18)

O-287

The Secretary stated that the resolution of the Board of Aldermen presented to the Commission at its session with regard to the condition of the cars on the East Side of Manhattan, had been sent to the Receiver of the Dry Dock, East Broadway & Battery Railroad Company and that an answer thereto had been received. The Secretary was directed to prepare a statement of what had been done in the premises, to be transmitted by the Chairman to the Board of Aldermen, together with a copy of the answer of the Receiver, which was as follows:

DRY DOCK, EAST BROADWAY AND BATTERY RAILROAD COMPANY, }
65TH STREET AND THIRD AVENUE,
NEW YORK, February 28th, 1908. }

TRAVIS H. WHITNEY, Esq., *Secretary, Public Service Commission*, No. 154 Nassau Street, New York City:

DEAR SIR—I have yours of the 25th enclosing a complaint of the honorable Board of Aldermen of this town. I have directed the Manager of this property to give the matter immediate attention and hope that the conditions complained of will be remedied forthwith.

I trust, however, that the honorable Board of Aldermen will consider that "the unclean, unhealthy and menacing" conditions of which they complain, are largely caused by the personal habits, sanitary condition and manners of the people who are carried in the cars, and I should be happy to co-operate with them in any device which they may suggest, including free baths on our routes, for remedying those conditions. I am even prepared to admit that the operation of the cars may be "a travesty on the transportation accommodations of the great City of New York," although it is possible that the slowness complained of is because of our inability to purchase faster horses, and because also of the fact that the streets are not kept free for the sole use of these cars.

I can quite understand also why the honorable Board of Aldermen consider that these things display "an indecent regard for the rights of the people," but it would be, however, more accurate to say—an impecunious regard.

In short, I hope to improve these conditions as fast as the money can be obtained therefor.

Yours truly,

(Signed) F. W. WHITRIDGE, Receiver.

(19)

2919

The Secretary presented resolutions adopted by the 23d Ward Property Owners' Association on February 25, 1908, and transmitted to this Commission, protesting against the approval of the modification of the Lexington Avenue subway route with a branch beginning in Park Avenue at about 135th Street, and extending up Mott Avenue to 151st Street, through 151st Street to Gerard Avenue, etc., and advocating the approval of a route from 138th Street through Morris Avenue, East 165th Street, Gerard Avenue and Jerome Avenue to the City line, this route to be constructed as a subway through Morris Avenue, and as an elevated railroad above 165th Street. The resolutions were ordered filed.

(20)

C-1248

The Secretary presented a communication from W. J. Matheson, complaining as to the noise made by steam exhaust, bell ringing and whistling of steam locomotives in Park Avenue; stating that he had gained the impression that the use of steam locomotives had been unlawful for about two years; and requesting the abatement of the nuisance and the closing of the openings to the tunnel in Park Avenue. The Secretary also presented an opinion of Counsel to the effect that the use of steam locomotives in Park Avenue would be lawful until July 1, 1908. The papers were ordered filed, and the Secretary was directed to communicate with the complainant. The communication from the Counsel to the Commission was as follows:

February 27th, 1908.

Public Service Commission for the First District:

SIRS—The written complaint made to the Commission by Mr. William J. Matheson, of 182 Front Street, January 14, 1908, as to alleged unlawful operation of trains by steam locomotives in Park Avenue, and his request that the Commission cause such operation to cease, having been referred to me, I beg to reply as follows:

Mr. Matheson stated it to be his impression that the date fixed by the authorities for the discontinuance of steam operation expired "about two years ago."

The Park Avenue and Grand Central Depot terminal improvements, which involve the change from steam to electric traction, are being carried on pursuant to Chapter 425 of the Laws of 1903, as amended by Chapter 639 of the Laws of 1904, and four agreements entered into between the City and the railroad companies on the following dates:

June 19, 1903, December 4, 1903, April 28, 1905, July 8, 1907.

By Chapter 425 of the Laws of 1903, the New York and Harlem Railroad Company, and its lessee, The New York Central and Hudson River Railroad Company,

were authorized and directed, on obtaining the necessary grant from the City for the use of the subsurface of certain highways and the approval of their plans by the Board of Estimate and Apportionment, to depress their tracks between 42nd and 57th Streets, and Madison and Lexington Avenues. The use of electricity as a motive power was also authorized.

By Section 3 of the Act, it was provided that

"The work of depressing the tracks and constructing the viaducts or bridges hereinafter provided for shall be commenced within thirty days and completed within five years after the date on which the grant provided for in Section 2 of this Act shall be delivered, and the plans and profiles of the said viaducts or bridges shall be approved and filed by the Board of Estimate and Apportionment as hereinbefore provided."

The plans and profiles were submitted to the Board of Estimate and Apportionment May 29, 1903, and approved June 19, 1903.

An instrument in the form of a grant and agreement, designed to carry into effect the requirements of the Act, was executed by the City and the New York and Harlem Railroad Company and The New York Central and Hudson River Railroad Company under date of June 19, 1903.

July 1, 1903, was fixed as the date of delivery by Mr. Rives, Counsel to the Corporation, and Mr. Place, General Attorney to The New York Central and Hudson River Railroad Company.

Section 4 of the Act provided that

"From and after the expiration of five years after the approval and filing of the plans and profiles provided for in Section 3 of this Act and the delivery of the grant provided for in Section 2 of this Act, it shall not be lawful, except only in case of necessity, arising from the temporary failure of such other motive power as may be lawfully adopted, for any railroad corporation to operate trains by steam locomotives in Park Avenue in the City of New York south of the Harlem River."

The time specified in the Act for the cessation of steam traction has not been extended, and it follows that at the present time steam traction is lawful, but will be unlawful after July 1, 1908, unless the time for such operation shall be extended.

The Act aimed to bring about the substitution of electric for steam traction, and the necessary depression of the tracks as a part of the terminal improvements.

The change from steam to electric traction has been in large measure accomplished. It is probably correct to state that nearly all the passenger trains of the New York and Harlem Railroad Company and of The New York Central and Hudson River Railroad Company are now operated by electric engines.

Many of the passenger trains of the New York, New Haven and Hartford Railroad Company are also operated by electric motors, though a considerable number of this company's trains are still operated by steam engines. Mr. Matheson intimates

that the "companies," presumably The New York Central and the New Haven, are "sparring" with each other over the price to be paid for the electric power.

The numerous construction trains engaged in taking out the excavated material are also operated by steam engines.

It would seem probable that all of these trains, except the construction trains, could be operated by electric engines by the time set by the Act and the grant, namely, July 1, 1908.

In dealing with the contingency that the change from steam to electricity should not be operative within the prescribed time, Section 4 of the Act provided that

"If at any time after the expiration of the said five years trains shall be operated by steam locomotives in said Park Avenue south of the Harlem River for a period of more than three days, the railroad corporation so operating such trains shall pay to the City of New York a penalty of five hundred dollars for every day or part of a day during which such trains are so operated, unless the Mayor of the City of New York shall certify to the *necessity for the use of steam locomotives arising from the temporary failure of other motive power.*"

Inasmuch as the Act was passed to do away with the nuisance and danger of steam traction as a form of motive power in the regular course of business, it is a question whether the use of steam engines on the construction trains would be included within the Act, a question, however, not necessary here to be answered.

The work of depressing the tracks and building the viaducts probably cannot be completed for years.

In order to extend the time for this work of depressing the tracks, there was introduced in the Legislature on February 12, 1908, a bill to amend Chapter 425 of the Laws of 1903, by adding thereto Section 3-a as follows:

"§ 3-a. The said board of estimate and apportionment of the City of New York may at any time, and from time to time, upon reasonable cause shown, extend the time for the completion of *the work of depressing the said tracks* and constructing the viaducts or bridges provided for in this act, or in any amendment of this act, or in any agreement or agreements executed pursuant to the provisions of this act or of any amendment thereof; any such extension of time, however, shall not become effective until approved by the *public service commission of the first district.*"

The company has stated that this act is not intended to extend the time for the use of steam motive power.

It may be noted that Mr. Matheson, in addition to his general complaint about the steam locomotives, makes specific complaint of the way in which the heavy traction engines are operated and also of the "*useless and unnecessary bell ringing and whistling.*"

He suggests also "that the openings in Park Avenue, which were necessary when steam was legal for traction, be now and henceforth closed, there being no reason

why these openings should exist any more in Park Avenue than they do on the streets under which the subway passes."

Respectfully yours,

(Signed) GEO. S. COLEMAN, Counsel to the Commission.

(21)

2919

The Secretary presented resolutions adopted by a mass-meeting held under the auspices of the North Side Board of Trade on February 25, 1908, approving the Lexington Avenue subway route; advocating the Third tracking of the Second and Third Avenue elevated railroad lines, the extension of the West Farms Branch of the Subway from 177th Street to the City line, and the carrying out of the plans of the Rapid Transit Act of 1891; and endorsing the exemption from the debt limit of bonds issued for rapid transit construction, and the proposed amendment of the Elsberg law. The resolutions were ordered filed.

(22)

3237

The Secretary presented a communication from Carl Scharfenberger, suggesting that contracts be made with the New York and Queens County Railway Company to operate across the Blackwell's Island Bridge, and to carry passengers from all points of the Borough of Queens for one fare; that this arrangement be made before the matter of the Belmont tunnel is taken up, in order to prevent the New York and Queens County Railway Company from operating exclusively through the tunnel; and that in taking up the matter of transportation through the tunnel, the facilities for the Blackwell's Island Bridge be taken into consideration. The letter was referred to Commissioner Bassett.

(23)

1373

The Secretary presented a communication from the Blackwell's Island Bridge Protective Association, protesting against the purchase of the Belmont tunnel; advocating the use of whatever money might be available, in constructing an East Side subway; and urging that arrangements be made for ample transportation facilities across the Blackwell's Island Bridge. The letter was referred to Commissioner Bassett.

(24)

2919

The Secretary presented a communication from the Normal College of the City of New York, located on Lexington Avenue, between 68th and 69th Streets, requesting consideration as to establishing a station of the Lexington Avenue subway in the immediate neighborhood of that institution, which was ordered filed.

(25)

O-289

The Secretary stated that a communication had been received from the New York Central and Hudson River Railroad Company, upon Order No. 289 of the Commission, complaint of Francis P. Kenney, as President of the Highbridge Taxpayers'

Alliance, with regard to smoke, cinders and noise on New York and Putnam Division, and the substitution of electric locomotives, notifying the Commission that the terms of the order were accepted and would be complied with. The answer was ordered filed.

(26)

O-260

The Secretary presented the following communication from the Receivers of the New York City Railway Company, which was referred to Commissioner Maltbie:

NEW YORK CITY RAILWAY COMPANY, }
621 BROADWAY,
New York, March 2nd, 1908. }

To the Honorable the Public Service Commission for the First District, 154 Nassau Street, City:

DEAR SIRs—Referring further to our letter to you under date of February 20th, acknowledgment whereof by you under date of February 29th, is this day received, we beg to advise you that our car barn at 2nd Ave. and 96th Street, with its contents, was destroyed by fire yesterday morning. So nearly as we can now estimate, about 340 cars were burned. The second and third floors of this building were practically entirely devoted to the electrical and mechanical work involved in compliance with your Order No. 260, and nearly all of the painting was also carried on at these shops.

We are compelled to advise you that in view of this catastrophe it is entirely out of the question for us to continue our compliance with the requirements of Order No. 260, although we shall, of course, do all that is in our power with the resources at our command to rehabilitate our equipment as rapidly as possible. We will advise you from time to time as rehabilitated cars are ready for inspection.

Yours very truly,

(Signed) ADRIAN H. JOLINE

(Signed) DOUGLAS ROBINSON

Receivers.

(27)

O-306

The Secretary presented the following order:

COMPLAINT ORDER (No. 306).

J. Irving Burns,
Complainant,
against

Interborough Rapid Transit Company,
Defendant.

The order of the Commission, being Order No. 306, for satisfaction or answer within ten (10) days, as to the inconvenient location of the ticket box at the Kingsbridge Subway station, was approved, confirmed and ordered filed in the office of the Commission.

(28)

1265

The Secretary presented the following communication from the Chief Engineer, as to the Van Cortlandt Park extension of the subway, which was ordered filed:

February 29, 1908.

The Hon. WILLIAM R. WILLCOX, *Chairman, Public Service Commission for the First District:*

DEAR SIR—In accordance with the request of the Committee of the Whole, as communicated by the Secretary's letter of February 25, for report on the Van Cortlandt Park Extension, as to the suspension of work, and its present condition, I respectfully submit the following:

The work was shut down on October 26, 1907, by orders from the Chief Engineer of the Rapid Transit Subway Construction Company, because of delay in furnishing the iron work. The delay in the iron work was caused by a change in the plans of the 231st Street and 238th Street Stations, owing to the streets being widened, final plans covering these changes having been sent to the contractor on September 27 and October 4, 1907, respectively. All iron work delivered up to that time was erected and located in place, and is still waiting the arrival of the new material for completion. I have given special instructions to inspectors at Trenton, where this material is being manufactured, that the work be pushed to the utmost, and have received assurances from Chief Engineer Pegram that it will be erected as soon as sufficient material arrives on the ground to justify a resumption of the work.

There has also been a serious impediment in the way of progress from the fact that we have not acquired the right to locate one of the station columns on private property at 231st Street and Broadway. I understand this is in the hands of Commissioner Eustis, and that satisfactory arrangements are practically completed by which this column can be erected.

In a letter received from Chief Engineer Pegram, under date of February 28, he advises that work will be resumed March 1st; so that good progress on this extension may now be looked for, and I will see that the work is prosecuted with all due speed.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

(29)

O-307

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 307).

In the Matter
of

The hearing on motion of the Commission as to the Regulations, Practices and Service of the Brooklyn Union Elevated Railroad Company.

"One Hundred and forty-three additional station signs."

An order, Number 156, having been made herein on or about the fourteenth day of December, 1907, ordering and directing the Brooklyn Union Elevated Railroad

Company to remove the platform and station, including stairways, from the structure of said Company at the intersection of Fulton and Tillary Streets, in the Borough of Brooklyn by or before March 2nd, 1908, and the said Brooklyn Union Elevated Railroad Company having, on March 2nd, 1908, applied in writing for an extension of such time,

Now, on motion, it is

Ordered, That the time of the Brooklyn Union Elevated Railroad Company within which to remove the station stairways above mentioned be, and the same hereby is, extended to and including the twelfth day of March, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(30)

2090

The Secretary presented a communication from the Chief Engineer, with regard to the Chairman's letter of January 8 to the Board of Estimate and Apportionment, in the closing paragraph of which it was suggested that the Commission would lay before that Board the revised plans and estimates for the Brooklyn Loop lines; stating that such plans and estimates had been sent direct to the Chief Engineer of the Board of Estimate and Apportionment, and that it was the opinion of the Counsel to the Commission that this did not fulfill the purport of the Chairman's letter; and transmitting duplicates of the revised plans and estimates referred to. It was directed that these plans and estimates be formally transmitted to the Board of Estimate and Apportionment.

(31)

O-308

Commissioner Eustis moved the adoption of the following order, which was duly seconded:

FINAL ORDER (No. 308).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Addition to the Service of the New, York City Interborough Railway Company, in respect to increase of service of 181st Street to Bronx Park, and in respect to the opening of new Tremont Avenue Line.

Under order for Hearing made February 4, 1908, and its substitute order made February 7, 1908.

This matter coming on upon the report of the hearing had herein on the 17th day of February, 1908, and it appearing that said hearing was held by and pursuant to an order of this Commission made February 7, 1908, and returnable on the 17th day of February, 1908, and that said order was duly served upon the New York

City Interborough Railway Company, and that said service was by it duly acknowledged, and that said hearing was held by and before the Commission on the matters in said order specified on February 17, 1908, and by adjournment duly had on March 2, 1908, at which sessions Commissioner Eustis presided, Arthur DuBois, Esq., appearing for the Commission, Alfred A. Gardner, Esq., appearing for the New York City Interborough Railway Company, and proof having been taken at both of said sessions.

Now, it being made to appear after the proceedings upon said hearing that the regulations and service of the New York City Interborough Railway Company in respect to transportation of persons in the First District, has been and is unreasonable, improper and inadequate, and that changes, additions and improvements thereto ought reasonably to be made in the manner below set forth, in order to promote the convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and it being made to appear that the changes, additions and improvements in regulations and service of the said company as below set forth are such as are just, reasonable, adequate and proper and ought reasonably to be made to promote the convenience of the public,

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the New York City Interborough Railway Company be and it hereby is directed and required to operate the below named lines of surface cars at the times, in the manner and between the following points:

(1) On 155th Street, McComb's Dam Bridge and Ogden Avenue, between 155th Street Station of the elevated railroad and the eastern end of Washington Bridge.

(2) One, Hundred and Eighty-first Street, Washington Bridge and Aqueduct Avenue, from the 181st Street Station of the Subway to Creston Avenue and Kingsbridge Road.

(3) Washington Bridge, Aqueduct Avenue, Tremont Avenue, from the 181st Street Station of the Subway to 180th Street and West Farms, as follows:

I. By operating cars on all the said lines daily except Sunday, in sufficient numbers so that any passenger desiring to ride in either direction and who presents himself at any point on any of the said lines between the hours of 7 A. M. and 9 A. M., and between the hours of 5 P. M. and 7 P. M. shall be furnished with a seat without waiting more than eight minutes.

II. By operating cars on the said lines, daily except Sunday, in sufficient numbers so that every passenger desiring to ride in either direction and who presents himself at any point on any of the said lines between the hours of 6 A. M. and 7 A. M., or between the hours of 9 A. M. and 10 A. M., or between the hours of 3 P. M. and 5 P. M., or between the hours of 7 P. M. and 8 P. M. shall be furnished with a seat without waiting more than ten minutes.

III. By operating cars on the said lines, daily except Sunday, in sufficient numbers so that every passenger desiring to ride in either direction and who presents

himself at any point on any of the said lines between the hours of 10 A. M. and 3 P. M., or between the hours of 8 P. M. and 1 A. M. shall be furnished with a seat without waiting more than fifteen minutes.

IV. By operating cars on the said lines, daily except Sunday, in sufficient numbers so that every passenger desiring to ride in either direction and who presents himself at any point on any of the said lines between the hours of 1 A. M. and 6 A. M. shall be furnished with seats without waiting more than thirty minutes.

And it is further

Ordered, That this order shall continue in force for a period of two years from and after taking effect of the same, but without prejudice to an order for further or additional hearing and action thereon by the Commission in respect of anything herein prescribed or in respect of anything covered by the order for hearing herein, prior to the expiration of two years;

And it is further Ordered, That this order shall take effect on the tenth day of March, 1908;

And it is further Ordered, That before March tenth, 1908, the said New York City Interborough Railway Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(32)

O-309

Commissioner Bassett moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 309).

Robert E. Anthony,
Complainant,

against

Coney Island and Brooklyn Railroad Com-
pany,

Defendant.

Under Order for Hearing No. 192, made January 6, 1908.

This matter coming on upon the complaint of Robert E. Anthony, bearing date the 30th day of November, 1907, and the answer thereto of Coney Island and Brooklyn Railroad Company, bearing date the 13th day of December, 1907, and the report of the hearing had herein on the 20th day of January, 1908, and the adjournments thereof; and it appearing that said hearing was held by and pursuant to an order of the Commission, being Order Number 192, made and entered the 6th day of January, 1908, and returnable on said 20th day of January, 1908, and that said order for hearing was duly served upon the said Coney Island and Brooklyn Railroad Company and that said hearing was held by and before said Commission on the matters in said complaint, said answer and said order specified, on the 20th day of January, 1908, and by adjournment duly had on the 29th day of January, 1908, and by adjournment

duly had on the 5th day of February, 1908, Mr. Commissioner Bassett presiding at each of said sessions, and Grosvenor H. Backus, Esq., Assistant Counsel, appearing for the Commission, and John J. Kuhn, Esq., and A. B. Britton, Esq., of Counsel for said company appearing for said company, and evidence being taken,

Now, it being made to appear after the proceedings on said hearing that the regulations, practices, equipment, appliances and service of said company in respect to the transportation of persons within the First District, are unreasonable, unsafe, improper and inadequate, and it appearing that the changes in regulations, practices, equipment, appliances and service, as are hereinafter specified, would be just, reasonable and proper and ought reasonably to be put in force, observed and used in the transportation of persons, and it appearing that the repairs, improvements and changes hereinafter specified in the motive power and other property and devices used by said Coney Island and Brooklyn Railroad Company, in connection with the transportation of passengers, ought reasonably to be made, and that additions should reasonably be made thereto in the manner hereinafter specified, in order to promote the security and convenience of the public, and in order to secure adequate service or facilities for the transportation of passengers, and that said repairs, improvements, changes and additions ought reasonably to be made within the times hereinafter specified;

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered,

(1) That said Coney Island and Brooklyn Railroad Company immediately tighten up the straight rail at the big end of the switch at Washington and Prospect Streets.

(2) That said company immediately replace the two loose centers in the east track northbound at Sands and Jay Streets, and tighten up the joint plates.

(3) That said company put in good and proper repair the branch-off from Washington Street at High and Washington Streets, including the curve to return cars east on Washington Street.

(4) That said company tighten up and put in good repair the loose joints in the crossing at Washington and Prospect Streets.

(5) That said company tighten up the joints where the turnout from the east bound track meets the main line on Washington Street between Nassau Street and High Street, and that said company tamp up the ties and otherwise put said turnout in good and proper repair.

(6) That said company tighten up the joints at the end connection of the special work in the main track at Sands and Jay Streets, and tighten up the loose joints in the special work and tighten and tamp up the loose ties in said special work.

Further ordered, That the work on the repairs required by the foregoing paragraphs numbered (3), (4), (5) and (6) be commenced as soon as the frost is out of the ground, and be completed as soon as possible and without unnecessary delay.

And it is further ordered, That this order shall take effect immediately, and shall remain in force until modified by the further order of this Commission.

And it is further ordered, That within five days, the said Coney Island and Brooklyn Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(33)

2092, 2093

The Secretary presented a communication from the Chief Engineer, under date of March 2, 1908, calling attention to the urgent importance of commencing proceedings for the acquisition of property needed along the route of the Brooklyn Loop line, and on motion, duly seconded, it was

Resolved, That the Counsel to the Commission be directed to prepare at once proper resolutions for the condemnation of property needed along the route of the Brooklyn Loop line, and that the Chief Engineer be directed to prepare such plans as may be necessary for such proceedings.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(34)

2790-D

HUDSON AND MANHATTAN RAILROAD COMPANY.

Commencement of Operation.

The Secretary presented the following communication, which was ordered filed:

HUDSON AND MANHATTAN RAILROAD COMPANY, }
111 BROADWAY,
NEW YORK, March 2, 1908. }

Public Service Commission for the First District, Hon. WILLIAM R. WILLCOX, Chairman, 154 Nassau Street, New York City:

DEAR SIRs—We beg to inform you that, in accordance with the provisions of the certificates or franchises granted by the Board of Rapid Transit Railroad Commissioners of The City of New York to New York and Jersey Railroad Company, dated July 10, 1902, and February 2, 1905, and the extensions thereof, we completed the construction of the portions of the railroad thereby authorized, from the centre of the Hudson River to the Christopher Street Station, at or near the corner of Greenwich and Christopher Streets, in The City of New York, and thence under Christopher Street and Sixth Avenue to the Nineteenth Street Station, at the corner of Sixth Avenue and Nineteenth Street, in said city, and commenced the operation thereof at midnight on February 25, 1908.

Yours truly,

W. G. McADOO, President.

(35)

The Secretary presented the following vouchers, the bills of which have been duly approved by Commissioner Eustis, as Committee on Audit for the month of February, whereupon, on motion, duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of the City of New York for payment:

Voucher No.	In Favor of.	Services or Material.	Amount.
753	The Beck Duplicator Co....	Stationery supplies, Bills Feb. 14, 24, 1908.....	\$23.50
754	George W. Benham.....	Furniture, Bills Dec. 28, 1907, Jan. 29, 1908.....	54.10
755	H. F. Birdsell.....	Rent, 88 Centre St. Month February, Bill Feb. 29, 1908.....	60.00
756	E. C. Bridgman.....	Map cabinet and repairs Bill Feb. 8, 1908.....	41.00
757	Brooklyn Blue Print Wks...	Blue Prints Bill Jan. 23, 1908.....	2.00
758	Clarke & Baker Co.....	Stationery supplies, Bill Feb. 18, 1908.....	2.70
759	Ditmars-Kendig Co.....	Stationery supplies Bill Feb. 24, 1908.....	27.00
760	George C. Flint Co.....	Furniture Bill Feb. 24, 1908.....	30.00
761	C. Scott Forington.....	Lettering doors Bill Feb. 10, 1908.....	25.50
762	Funk & Wagnalls Co.....	Standard Dictionary Bill Feb. 24, 1908.....	9.75
763	Globe-Wernicke Co.....	Furniture Bill Sept. 4, 1908.....	5.50
764	Great Bear Spring Co.....	Spring water Bill Jan. 31, 1908.....	13.50
765	E. Belcher Hyde.....	Maps Bills Feb. 7, 13, 1908.....	3.50
766	Initial Towel Supply Co....	Toilet service month Jan. Bill Feb. 1, 1908.....	24.62
767	George A. Kimball.....	Consulting Engineer Bill Feb. 15, 1908.....	100.00
768	John H. McCullagh & Sons..	Repairing Furniture Bill Feb. 20, 1908.....	10.75
769	Howard E. Morey.....	Window shades Bill Feb. 12, 1908.....	16.13
770	New York Edison Co.....	Electric lighting Bills Oct. 10, Nov. 11, Dec. 11, 1907.....	2.14
771	The New York Times.....	Advertising public hearing 4th Ave. route, Brooklyn Bill Feb. 4, 1908.....	19.20
772	M. A. O'Connor.....	Printing Bill Dec. 16, 1907.....	9.75
773	C. H. Pepper.....	Relaying Linoleum Bill Feb. 13, 1908.....	37.50
774	Francis H. & Angeline W. Robinson	Rent 122 Liberty St. mnth Feb. Bill Feb. 1, 1908.	220.84
775	Scranton & Lehigh Coal Co.	Coal Bill Feb. 14, 1908.....	6.75
776	Henry B. Seaman.....	Disbursements month Nov. Bill Feb. 26, 1908....	17.75
777	The Tribune Association....	Advertising Public Hearing 4th Ave. route Brooklyn Bill Feb. 4, 1908.....	20.00
778	The Tribune Association....	Rent, 154 Nassau St. Month February Bill Feb. 1 (2) 1908.....	3,315.91
779	Underwood Typewriter Co..	Typewriter supplies Bill Feb. 13, 1908.....	12.60
780	P. W. Vallyely.....	Furniture Bill Feb. 26, 1908.....	233.50
781	Yawman & Erbe Mfg. Co...	Stationery supplies Bill Feb. 13, 1908.....	7.80
Total.....			\$4,353.29

The following payrolls were approved by Chairman Willcox:

747	Gas Meter Testers.....	Week ending Feb. 19, 1908.....	\$329.25
748	Inspectors of Masonry.....	Week ending Feb. 19, 1908.....	1,559.60
785	Office Staff	Month ending Feb. 29, 1908.....	6,785.66
786	Engineering Corps	Month ending Feb. 29, 1908.....	32,422.09
787	Transportation Bureau	Month ending Feb. 29, 1908.....	6,868.12
788	Law Department	Month ending Feb. 29, 1908.....	3,041.15
789	Bureau of Gas and Electricity.	Month ending Feb. 29, 1908.....	539.52
751	Gas Meter Testers.....	Week ending Feb. 26, 1908.....	303.75
752	Inspectors of Masonry.....	Week ending Feb. 26, 1908.....	1,520.38
Total.....			<u>\$53,369.52</u>

To State Comptroller:

790	Salaries of Commissioners, Counsel and Secretary....	Month ending Feb. 29, 1908.....	<u>\$7,583.33</u>
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Ayes—Commjssioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

WEDNESDAY, MARCH 4, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

2094

Commissioner Eustis presented the following communication from the Counsel to the Commission:

March 3, 1908.

Hon. JOHN E. EUSTIS, *Commissioner*:

SIR—Referring to the letter of the Comptroller to you of the 28th ult., which you submitted to me, relating to the contract heretofore made between the Commission, acting for the City of New York, and George Thum for the purchase of his property at No. 402 Broome Street, Mr. Thum is willing to comply with the Comptroller's request by modifying the agreement so as to strike out the clause objected to, which permits his son to continue to occupy the building free of expense until in the opinion of the Chief Engineer it shall be necessary to wreck the building. As this clause is entirely for Mr. Thum's benefit and does not commit the Commission in any way, I see no objection to such a modification being made. Accordingly, Mr. Thum has executed in duplicate an agreement to that effect, which I transmit herewith for execution by the Commission, together with a form of resolution. As soon as the paper is executed, it is to be attached to the former contract, and the Comptroller promises that the title will then be closed forthwith.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

On motion, duly seconded, the following was adopted:

Whereas, A contract, dated October 7, 1907, was heretofore duly entered into between the Commission and one George Thum for the purchase of his property known

(17)

[Form 2007]

[1 M (B)]

as No. 402 Broome Street, which contract contains a provision as a part of the consideration thereof, that the lessee of the building may continue to occupy the same free of expense until, in the opinion of the Chief Engineer it shall be necessary to wreck the building, which said provision was intended to be and is entirely for the benefit of the said George Thum; and

Whereas, The said George Thum is willing to have said agreement modified by striking therefrom such provision and has executed an agreement to that effect, and the Counsel to the Commission approves of the execution of said agreement by the Commission; now therefore it is

Resolved, That said agreement of modification be and the same hereby is approved, and that the same be duly executed by the Chairman and the Secretary of the Commission under the seal of the Commission.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(2)

2094

On motion, duly seconded, the following was adopted:

Whereas, The Chief Engineer has made and submitted four similar maps or plans of certain parcels of property in the City of New York, Borough of Manhattan, required for the construction, maintenance and operation of a part of the proposed Brooklyn Loop Lines of the Rapid Transit Railroad, including certain stations and station approaches or entrances, to be constructed by the Bradley Contracting Company, in pursuance of a certain contract with said Bradley Contracting Company known as Contract No. 9-0-4, which said contract was heretofore made by the City of New York, acting by the Board of Rapid Transit Railroad Commissioners, and bears date June 27, 1907, which said parcels of property consist of certain lots designated on said maps or plans as follows: "Lot No. 9," known as No. 156 Elizabeth Street; "Lot No. 8," known as No. 154 Elizabeth Street; "Lot No. 31," known as Nos. 170 and 170½ Bowery; "Lot No. 32," known as No. 168 Bowery; "Lot No. 29," known as No. 174 Bowery; "Lot No. 28," known as No. 176 Bowery; "Lot No. 11," known as No. 162 Elizabeth Street; and "Lot No. 12," known as No. 164 Elizabeth Street; and

Whereas, A memorandum accompanying said maps or plans, and deemed a part thereof, has been made by authority of this Commission, clearly indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished for the purposes of such construction, maintenance and operation in relation to said parcels of property, shown upon said maps or plans, said memorandum being substantially in the form following, to wit:

"Public Service Commission for the First District. Memorandum indicating the particular estate, rights, terms, privileges, franchises or easements to be acquired

or extinguished in relation to each and every piece or parcel of property shown upon these maps or plans.

4th March, 1908.

An estate in fee simple absolute free from all liens or encumbrances in and to certain of said parcels of property shown upon these maps or plans, which said parcels are described as follows, to wit:

Lot No. 31, known as Nos. 170 and 170½ Bowery. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, in the County and State of New York, and bounded and described as follows: Beginning at a point on the southerly line of Delancey Street Extension distant 42 feet 5½ inches from the intersection of the southerly line of Delancey Street Extension with the westerly line of the Bowery; running thence westerly along the southerly line of Delancey Street Extension a distance of 57 feet 2⅞ inches to the boundary line between Lot No. 8 and Lot No. 31; thence running southerly along said boundary line 7 feet 9⅜ inches; and thence running easterly and along the boundary line between Lot No. 31 and Lot No. 32 a distance of 56 feet 7¼ inches to the point or place of beginning, be said several dimensions more or less, it being intended to describe that part of the premises known as No. 170 and 170½ Bowery, title to which has not been acquired by the City of New York for the extension of Delancey Street.

Lot No. 32, known as No. 168 Bowery. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, in the County and State of New York, and bounded and described as follows: Beginning at a point on the westerly side of the Bowery at its intersection with the southerly side of Delancey Street Extension, and running thence southerly and along the westerly line of the Bowery, a distance of 19 feet 5½ inches; thence running westerly 98 feet 2½ inches to the boundary line between Lot No. 32 and Lot No. 7; thence running northerly along said boundary line a distance of 25 feet; thence running easterly along the boundary line between Lot No. 31 and Lot No. 32, a distance of 56 feet 7¼ inches to the intersection of said boundary line with the southerly line of Delancey Street Extension; and thence running easterly along the southerly line of Delancey Street Extension 42 feet 5½ inches to the point or place of beginning, be said several dimensions more or less, it being intended to describe that part of the premises known as No. 168 Bowery, title to which has not been acquired by the City of New York for the extension of Delancey Street.

Lot No. 29, known as No. 174 Bowery. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, in the County and State of New York, on the westerly line of the Bowery, bounded and described as follows: Beginning at a point on the northerly line of Delancey Street Extension at its inter-

section with the westerly line of the Bowery; thence running northerly along the westerly line of the Bowery $2\frac{1}{4}$ inches; thence running westerly along the boundary line between Lot No. 28 and Lot No. 29 a distance of 1 foot $4\frac{3}{4}$ inches to the northerly line of Delancey Street Extension; and thence running easterly along the northerly line of Delancey Street Extension 1 foot $4\frac{3}{4}$ inches to the point or place of beginning, be said several dimensions more or less, it being intended to describe that part of premises known as No. 174 Bowery, title to which has not been acquired by the City of New York for the extension of Delancey Street.

Lot No. 28, known as No. 176 Bowery. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, in the City of New York, in the County and State of New York, on the westerly line of the Bowery, and bounded and described as follows: Beginning at a point on the westerly line of the Bowery distant northerly $2\frac{1}{4}$ inches from the intersection formed by the westerly line of the Bowery and the northerly line of Delancey Street Extension; thence running northerly along the westerly line of the Bowery 25 feet; thence running westerly on the boundary line between Lot No. 28 and Lot No. 27, a distance of 100 feet $3\frac{3}{8}$ inches to the boundary line between Lot No. 28 and Lot No. 11; thence running southerly along said boundary line a distance of 11 feet $7\frac{1}{2}$ inches; thence running easterly along the northerly line of Delancey Street Extension 99 feet 7 inches; and thence running easterly along the boundary line between Lot No. 28 and Lot No. 29, a distance of 1 foot $4\frac{3}{8}$ inches to the westerly line of the Bowery, the point or place of beginning, be said several dimensions more or less, it being intended to describe that part of the premises known as No. 176 Bowery, title to which has not been acquired by the City of New York for the extension of Delancey Street.

Also, a perpetual and permanent underground right, easement and right of way, and also a temporary right or easement in and to certain other parcels of property shown upon said maps or plans, which said parcels are described as follows:

Lot No. 9, known as No. 156 Elizabeth Street. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, in the County and State of New York, and bounded and described as follows: Beginning at a point on the easterly line of Elizabeth Street, at its intersection with the southerly line of Delancey Street Extension, and running thence southerly along the easterly line of Elizabeth Street, a distance of 1 foot $6\frac{1}{8}$ inches, more or less; running thence easterly a distance of 9 feet $1\frac{1}{4}$ inches to the easterly line of Delancey Street Extension; and running thence westerly along the southerly line of Delancey Street Extension a distance of 9 feet $2\frac{1}{8}$ inches to the point or place of beginning, be said several dimensions more or less.

Part of Lot No. 8, known as No. 154 Elizabeth Street. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, in the County and State of

New York, and bounded and described as follows: Beginning at a point on the easterly line of Elizabeth Street, distant 1 foot $6\frac{1}{8}$ inches, more or less, from the intersection of the southerly line of Delancey Street Extension with the easterly line of Elizabeth Street; thence running southerly along the easterly line of Elizabeth Street 5 feet; thence running easterly a distance of 100 feet $8\frac{3}{4}$ inches to a point situate on the boundary line between Lot No. 8 and Lot No. 31, distant 7 feet $9\frac{3}{8}$ inches southerly from the southerly line of Delancey Street Extension; thence running northerly along said boundary line a distance of 7 feet $9\frac{3}{8}$ inches to the intersection of said boundary line with the southerly line of Delancey Street Extension; thence running westerly along the southerly line of Delancey Street Extension a distance of 91 feet $2\frac{3}{4}$ inches; and thence running westerly a distance of 9 feet and $1\frac{1}{4}$ inches to the point or place of beginning, be said several dimensions more or less.

Lot No. 11, known as No. 162 Elizabeth Street. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, in the County and State of New York, and bounded and described as follows: Beginning at a point on the northerly line of Delancey Street Extension at its intersection with the boundary line between Lot No. 11 and Lot No. 28, and running thence northerly along said boundary line 11 feet $7\frac{1}{2}$ inches to the boundary line between Lot No. 11 and Lot No. 12; running thence westerly along said boundary line a distance of 68 feet $7\frac{1}{4}$ inches to the northerly line of Delancey Street Extension; and thence running easterly along said northerly line of Delancey Street Extension a distance of 69 feet $3\frac{3}{4}$ inches to the point or place of beginning, be said several dimensions more or less, it being intended to describe that part of premises known as No. 162 Elizabeth Street, title to which has not been acquired by The City of New York for the extension of Delancey Street.

Part of Lot No. 12, known as No. 164 Elizabeth Street, described as follows: Beginning at a point on the northerly line of Delancey Street Extension, distant 29 feet $8\frac{7}{8}$ inches from the easterly line of Elizabeth Street; thence running easterly along the boundary line between Lot No. 11 and Lot No. 12, a distance of 59 feet $7\frac{1}{4}$ inches; thence running westerly a distance of 89 feet $2\frac{1}{4}$ inches to the easterly line of Elizabeth Street; thence running southerly along said easterly line of Elizabeth Street a distance of 6 feet 7 inches to the northerly line of Delancey Street Extension; thence running easterly along said northerly line of Delancey Street Extension a distance of 29 feet $8\frac{7}{8}$ inches to the point of beginning, be said several dimensions more or less.

Premises to be subject to such temporary rights or easements for the purpose of the construction of said railroad are described as follows:

One parcel of land on the southerly side of and adjacent to said part of Lot No. 8, hereinabove described, and within a line distant not more than 5 feet southerly therefrom, and wholly within Lot No. 8, and also the land over and above said permanent and perpetual underground right, easement and right of way in Lot No. 9 and in said part of Lot No. 8, with the right to tear down all buildings, or any part thereof, erected

over and above said last mentioned permanent and perpetual underground right, easement and right of way, and over and above said adjacent parcel of land, said adjacent parcel of land subject to such temporary rights or easements being shown on these maps or plans in yellow.

And another parcel of land on the northerly side of and adjacent to Lot No. 11 and said part of Lot No. 12, and within a line distant not more than 5 feet northerly therefrom, and wholly within Lot No. 12; and also the land over and above said permanent and perpetual underground right, easement and right of way in Lot No. 11 and said part of Lot No. 12, with the right to tear down all buildings, or any part thereof, erected over and above said last mentioned permanent and perpetual underground right, easement and right of way, and over and above said last mentioned adjacent parcel of land, said last mentioned adjacent parcel of land subject to such temporary rights or easements, being shown on these maps or plans in yellow.

The extreme top of said subway or structure is to be not less than 15.4 feet below the present grade of Elizabeth Street, where the centre line of Delancey Street Extension intersects the centre line of Elizabeth Street, and the base of the rails of said railroad is to be not less than 39 feet below said present grade.

The said temporary rights or easements continue until December 1, 1909, and include the right to enter upon and occupy said adjacent parcels of land, hereinabove described, and said land over and above said permanent and perpetual underground right, easement and right of way, hereinabove described.

The subway or structure of said railroad, including said stations and station approaches or entrances, are to be constructed substantially as shown in said contract and upon these maps or plans which are marked as follows: "Public Service Commission for the First District, Chief Engineer's Office, Route 9-0-4, Drawing No. 13, February 28, 1908. Henry B. Seaman, Chief Engineer."

Said estates in fee simple, said permanent and perpetual underground rights, easements and rights of way, and said temporary rights or easements hereinabove described, are required for the construction, maintenance and operation in perpetuity of a rapid transit railroad, including said stations and station approaches or entrances, in accordance with the routes adopted by the Board of Rapid Transit Railroad Commissioners by resolution adopted on the 25th day of May, 1905, and approved by the Board of Estimate and Apportionment of the City of New York on the 14th day of July, 1905, and approved by the Mayor of the City of New York on the 25th day of July, 1905, and consented to by an order of the Appellate Division of the Supreme Court, First Judicial Department, made and entered on the 12th day of March, 1907, which said railroad is further described in said contract for the construction of a part thereof made by the City of New York, acting by said Board of Rapid Transit Railroad Commissioners, with said Bradley Contracting Company.

Now therefore it is

Resolved, That said maps or plans, so made and prepared, and said memorandum be and the same hereby are approved and adopted; that a certificate of such approval and adoption and of the approval and adoption of said memorandum be written upon said maps or plans, and signed by this Commission and by a majority of the Commissioners; that one of said maps or plans, including said memorandum, be filed in the office of the President of the Borough of Manhattan there to remain as a public record; that two of said maps or plans, including said memorandum, be transmitted to the Corporation Counsel of the City of New York, together with a copy of this resolution; that the remaining one of said maps or plans, including said memorandum, remain on file as a public record in the office of this Commission; and that the Corporation Counsel be and he hereby is directed to take legal proceedings to acquire for the City of New York an estate in fee simple absolute in and to said parcels of property first hereinabove described and a permanent and perpetual underground right, easement and right of way in said parcels of property thereafter hereinabove described, and said temporary right or easement in said adjacent parcels of property last hereinabove described.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(3)

2601

The Secretary presented a communication from the Acting Chief of the Bureau of Transit Inspection, with regard to the services of Louis F. Schultze, Transit Inspector.

On motion, duly seconded, it was thereupon

Resolved, That the appointment of Louis F. Schultze as Transit Inspector be terminated at the end of his probationary term, March 4, 1908, on the ground that his services are not satisfactory.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, MARCH 6, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Commissioner William McCarroll, Acting Chairman; Commissioners Edward M. Bassett, John E. Eustis.

(1)

Chairman Willcox and Commissioner Maltbie were excused because of absence on business of the Commission, and on motion, duly seconded, Commissioner McCarroll was elected Acting Chairman.

(2)

2532

The Secretary presented the following notice of deposit from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which was ordered filed:

March 2, 1908.

DEAR SIR—I beg to advise you that on February 27, 1908, the sum of fifty thousand dollars (\$50,000) was deposited to the credit of Revenue Bond Fund—For the Public Service Commission for the 1st District, New York, Expenses of; Authorized December 20th, 1907, pursuant to the provisions of Section 10 Chapter 4 Laws of 1891 and Section 14 Chapter 429 Laws of 1907.

(3)

2093

The Secretary stated that the following communication had been transmitted to the Board of Estimate and Apportionment, with regard to changes in the contracts for the construction of the Brooklyn Loop Lines:

March 5, 1908.

To the Board of Estimate and Apportionment of The City of New York:

The Public Service Commission for the First District, referring to its communication to your Honorable Board, dated January 8th last, and to the report of your Chief Engineer, dated January 21st last, transmits herewith for your approval two proposed

agreements modifying the contracts heretofore entered into between The City of New York by the Rapid Transit Board with Degnon Contracting Company for the construction of Section 9-0-2 of the Brooklyn Loop Lines, and between The City of New York and Cranford Company for the construction of Section 9-0-3 of the Brooklyn Loop Lines.

The Commission is advised by its Counsel that under the provisions of the Rapid Transit Act it may make these modifying contracts without submission to other Boards, but since they involve change in important subway construction, the Commission desires to submit them to your Honorable Body for its consideration and approval.

As shown by the drawings heretofore submitted to your Chief Engineer, these contracts contemplate the following changes:

(1) Increasing the dimensions of the Brooklyn Loop Lines to accord with the plans for the proposed Fourth Avenue Subway in Brooklyn with which it will connect. This increase will allow for running larger cars through the subway, and will accommodate the cars in use by the railroads in and around the city and used for suburban traffic.

(2) The original plans provided for a double deck subway in part, with grades frequently as high as four per cent. and in some cases as high as five and one-half per cent. The deep excavation necessary for the double track structure not only greatly increases the cost of construction, but the steepness of the grades and the frequency with which they follow one another would increase the cost of operation and materially limit the capacity of the road, at the same time increasing the possibility of accidents. These steep grades and the double deck structure are eliminated by those changes.

(3) The changes also allow for the operation of this subway as two two track roads, one connecting with the Williamsburg and the other with the Manhattan Bridge, instead of one four track road, but with adequate cross-overs to be used in case of necessity. To allow for these changes the two stations, one at Leonard-Franklin Streets and the other at Howard-Grand Streets have been consolidated into one station at Canal Street.

As was stated in the former communication to your Board, this modification simplifies a very complicated plan; eliminates two double deck stations, making all tracks on a level; would work in conjunction with a proposed future line across Canal Street to the North River, and thereby connect with all northbound and southbound routes which would intercept it, with the Fourth Avenue Subway and the Manhattan Bridge, and would increase very materially the safety of operation. It is estimated that the operating capacity would be increased fully 25 per cent. in addition to the proposed tunnel connections and also that the time of construction would be materially decreased.

The agreement with the Degnon Contracting Company provides for a reduction in the contract price of \$410,000 and with the Cranford Company of \$350,000 and also for a decrease in the time for completion. The Commission has been advised by its Counsel that it may order the contractor for the three other sections to make the changes contemplated on those sections and the plans will be changed accordingly.

It is estimated that these changes, while greatly increasing the usefulness and capacity of the road, will result in a saving to the City in excess of \$300,000, after allowing for the purchase of an increased amount of real estate for the new station at Canal Street.

In order to minimize the delay on this important work the Commission has sent these agreements to the contractors for execution and pending their return asks your approval of them.

Dated New York, March 5, 1908.

PUBLIC SERVICE COMMISSION FOR THE
FIRST DISTRICT.

(Signed) By WM. MCCARROLL, Acting Chairman.

(Signed) TRAVIS H. WHITNEY, Secretary.

(4)

2622

The Secretary stated that the following letter had been transmitted to the Comptroller on the subject of rental for the portion of the subway recently opened from South Ferry to Borough Hall:

March 3rd, 1908.

Hon. HERMAN A. METZ, *Comptroller, City of New York*, No. 280 Broadway, New York:

DEAR SIR—In further acknowledgment of your communication of February 1st, in which you transmitted copies of receipts given the Interborough Rapid Transit Company in payment of interest rental for the fourth quarter of the year ending December 31st, in which you call attention to the fact that an additional section of Contract No. 2 has now been put in operation, and asking for certified copy of the agreement modifying Contract No. 2, setting forth the date of opening and the estimated cost thereof, in order that the City may be provided with information and authority to collect the interest rentals and the Sinking Fund rentals as the same may become due and payable, I desire to state that the amount of rental to be paid for this additional section now placed in operation is governed by an agreement entered into on the 14th of December, 1905, by the Board of Rapid Transit Railroad Commissioners, modifying the original contract.

This modifying agreement contained a provision that

"From time to time, as further portions of the railroad are permitted by the Board to be operated, after the date of this agreement, if the same shall (with the portions heretofore permitted to be operated) constitute less than the entire railroad as de-

scribed in the contract, the Interborough Company shall and will pay to the City rental for such portions of the railroad, which rental shall be fixed and ascertained on the principles and in the manner hereinabove provided with respect to the portions of the railroad operated, as above stated, on and after January 16th, 1905."

The principle adopted for the three sections then in operation was the payment of rental upon the basis of the \$2,000,000 contract price, the amount upon which rental was paid, being the proportion of such contract price as the number of feet of single track in operation bore to the number of feet of single track embraced in the entire road. To fix the rental for the under-river portion lately opened, it will, therefore, be necessary to determine the proportion that the number of feet of single track embraced therein bears to the number of feet of single track in the entire road, and that proportion of the contract price of \$2,000,000, together with the cost of all extra work duly authorized and embraced in such section and less the cost of all work directed to be omitted therefrom, will be the amount upon which the contractor is to pay rental for this section.

The operation of the portion constructed under Contract No. 2, between the South Ferry station, Manhattan, and the Borough Hall station, Brooklyn, began on the 9th day of January, 1908, by authority of this Commission. No additional agreement was entered into with regard to the payment of rental for this, in view of the modifying agreement referred to above, entered into on the 14th of December, 1905, from which I have quoted. One of the originals is, I have no doubt, deposited with you. I shall be very glad, however, to furnish additional copies of this agreement.

The following statement shows the estimated cost to January 1st, 1908, of the part of Principal Contract No. 2 opened on January 9th, 1908, and the method of arriving at the same in accordance with the modifying agreement made on the 14th of December, 1905:

Bowling Green Station to Borough Hall Station:

18,800 feet of track as per contract—

Contract Work.....	\$936,488 16	
Real Estate	14,892 90	
		\$951,381 06
Less Work Deducted.....		116,000 00
		<u>\$835,381 06</u>

It should be noted that the real estate expenditure may be changed in the future, and that the item for work eliminated has not been accepted by the Contractor; hence, both items, and in fact the entire statement is to be taken as preliminary and may be changed when final adjustments are made.

Very truly yours,
(Signed) TRAVIS H. WHITNEY, Secretary.

(5)

3234, 2790

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service lists:

Name.	Position.	Salary.	To Take Effect.
Mary F. Lindholm.....	Library Assistant.....	\$75 per month	March 6, 1908
Henry Altemeier	Inspector of Conduits (Provisional)	100 per month	March 7, 1908

Ayes—Commissioners McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(6)

2879

The Secretary presented a communication from the Chief Engineer recommending that Enos W. Cory, Cement Inspector, be granted thirty days' leave, without pay, and on motion, duly seconded, it was

Resolved, That leave of absence for thirty days, without pay, to begin March 1, 1908, be granted to Enos W. Cory, Cement Inspector.

Ayes—Commissioners McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(7)

1368

The Secretary presented the following communications, one from the Counsel to the Commission and the Chief Engineer, and one from the Chief Engineer:

March 5, 1908.

Public Service Commission for the First District:

SIRS—We have from the Secretary a copy of a letter from the City Comptroller's office, dated February 20th, 1908, asking for certain information to enable him to determine the amount of rental due the City from the Hudson & Manhattan Company for the portion of the so-called McAdoo Tunnel lately put into operation.

In order to determine the length of the track at present in use, upon which a large part of the rental is based, it will be necessary to secure from the Hudson & Manhattan Company certain maps and figures which have not yet been received.

We accordingly suggest that the Comptroller be informed of the reason for the delay in answering his communication and advised that as soon as this information is received, the Commission will send him the information requested in his letter.

Respectfully yours,

(Signed) GEO. S. COLEMAN, Counsel.

(Signed) HENRY B. SEAMAN, Chief Engineer.

March 4, 1908.

TRAVIS H. WHITNEY, Esq., *Secretary, Public Service Commission for the First District:*

DEAR SIR—In order to definitely ascertain the necessary figures upon which to base the rental of the McAdoo Tunnels, to which reference is made by N. Taylor Phillips, Esq., Deputy Comptroller, in his communication of February 20th, 1908, to the Public Service Commission, I would suggest that the following letter be forwarded to Mr. William McAdoo, President of the Hudson Companies:

"DEAR SIR—Will you kindly forward to this Commission as early as possible drawings showing in plan and profile the Tunnels of the Hudson Companies from the state line to the northerly portion at present in operation, as the same has been constructed, together with drawings of the several stations and such details of construction as may be necessary to clearly set forth the condition and extent of the tunnels as constructed.

Will you also kindly verify in writing the lengths of the tracks and cross-overs, and also the lengths of stations which were recently furnished by your engineer to one of our engineers."

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

On motion, duly seconded, the Secretary was directed to send the communication indicated in the Chief Engineer's letter.

(8)

O-171

The Secretary stated that by direction of Commissioner Maltbie, who was the presiding Commissioner in the proceeding concerned, he had sent the following communication:

February 29th, 1908.

MR. ADRIAN H. JOLINE and DOUGLAS ROBINSON, *Receivers, New York City Railway Co.*, 621 Broadway, New York City:

DEAR SIRS—I am directed by the Commission to reply to your letter of February 21st, transmitting the results of observations upon certain days upon the Eighth Avenue line. As you state in your letter, these observations cover days when conditions were very abnormal, and apparently seem to emphasize the importance of the matters considered in the informal conference held several days ago. Your letter does not indicate whether you wish a rehearing upon Order No. 171. You will recall that no one representing you appeared at the hearing prior to the issuance of this order; but if you desire a rehearing under Section 22 of the Public Service Commissions Law, the Commission will consider the application if you desire to make one.

Yours very truly,

(Signed) TRAVIS H. WHITNEY, Secretary.

(9)

O-260

The Secretary stated that by direction of Commissioner Maltbie, who was the presiding Commissioner in the proceeding concerned, he had sent the following communication:

February 29th, 1908.

Mr. FREDERICK W. WHITRIDGE, *Receiver, Third Avenue Railroad Company, Sixty-fifth Street and Third Avenue, New York City:*

DEAR SIR—I am directed by the Commission to reply to your letter of February 18th, and to state that the requirements of Order No. 260 are in accord with the evidence presented at the hearing prior to the adoption of the order. You will recall that notice was served upon you of the hearing held upon February 13th, thereby giving you an opportunity to place before the Commission such information as you had and wished to present regarding the overhauling and repairing of your rolling stock, which you state was in "deplorable" condition. As you did not appear and as no one appeared representing you, the evidence given by Mr. McLimont, who examined your property and who reported upon the facilities at your disposal and the time within which the work could reasonably be accomplished, stood uncontradicted.

If you desire a rehearing upon the order under Section 22 of the Public Service Commission Law, an application for such a rehearing will be considered and undoubtedly granted, as the Commission has so far granted a rehearing whenever an application has been made. Unless such rehearing is requested, the order as originally issued naturally remains in force.

Very truly yours,

(Signed) TRAVIS H. WHITNEY, Secretary.

(10)

O-310

Commissioner McCarroll moved the adoption of the following order, which was duly seconded:

EXTENSION ORDER (No. 310).

J. Monheimer,

Complainant,

against

Coney Island and Brooklyn Railroad Company,

Defendant.

"Ten cent fare to Coney Island."

An order, No. 275-a, having been made herein on or about the 21st day of February, 1908, ordering and directing the Coney Island and Brooklyn Railroad Company to answer the complaint herein within a time therein specified, and the said Coney Island and Brooklyn Railroad Company having, on March 4th, 1908, applied in writing for an extension of such time,

Now, on motion, it is

Ordered, That the time of the Coney Island and Brooklyn Railroad Company within which to answer said complaint be, and the same hereby is, extended to and including the fourteenth day of March, 1908.

Ayes—Commissioners McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(11)

O-311

Commissioner Eustis presented the following opinion and order:

In the Matter
of
Service, regulations and practices of
the New York Central and Hudson
River Railroad Company—"Restoration
of Putnam Division Service."
Under order for hearing No. 252, dated
February 11, 1908.

OPINION.

On January 17th, 1908, order No. 211 of this Commission was issued requiring the New York Central and Hudson River Railroad Company to make answer giving the reasons for the proposed discontinuance of trains on the Putnam Division after midnight. The company made answer thereto on February 3, 1908, stating that the trains discontinued on said division were as follows:

Train No. 103, leaving 155th Street Station at 2:00 A. M.

Train No. 105, leaving 155th Street Station at 3:00 A. M.

Train No. 107, leaving 155th Street Station at 4:00 A. M.

Train No. 106, leaving Yonkers Station at 2:25 A. M.

Train No. 108, leaving Yonkers Station at 3:25 A. M., and

Train No. 110, leaving Yonkers Station at 4:25 A. M.

The company further stated in said answer that "the discontinuance of said trains was ordered by the defendant by reason of the fact that the average number of passengers carried upon such trains was so small during a long period of time prior to their discontinuance that the revenue gained therefrom did not justify the expense incurred in the running of said trains."

Upon the hearing the company's witnesses stated that the only reason for the discontinuance of the trains mentioned was that the revenue gained from the running of said trains did not justify the expense incurred. It appeared, however, from their testimony that since the Putnam Division passed into the hands of the defendant railroad company in or about 1893, this entire Division had always been run at a loss, the entire receipts therefrom being far less than the cost of operating the road, so that, if the fact of a road not being a financial success were to excuse the discontinuance of trains, the defendant would be justified in abandoning this Division entirely.

It does not do this, however, but discontinues a few of its trains, to the great inconvenience of the traveling public and sets up as its reason the fact that these trains do not pay. The evidence shows that a large number of persons are accommodated by these trains, and it would appear reasonable to require that the service thus discontinued be restored. In fact, it appears that after the first order herein was issued and on or about January 30, 1908, the defendant of its own volition restored the train leaving 155th Street for Yonkers at 4:00 A. M. and returning leaving Yonkers for 155th Street at 4:25 A. M., and has since continued said train, although the testimony is to the effect that the train mentioned is less profitable to the company than any of the trains that have not been restored, and if it was reasonable to restore the train mentioned which is less profitable to the company than either of the other trains which have been discontinued, then it would not seem unreasonable to require that the other discontinued trains be restored.

It is claimed by the defendant that the patronage of these trains has largely fallen off since the construction of trolleys and subways, which have reduced the income of the company on this Division. However, there is nothing to show that if the defendant would meet these changed conditions by running more trains and charging a rate of fare that would enable them to compete with the trolleys and subways, they would not recover a large amount of their patronage and do business at a profit, instead of (as they say) at a loss, and it is altogether likely that the inauguration of the changes suggested would bring about the result indicated, as a large part of the traveling public would prefer to ride in defendant's cars if the expense were no greater than on the trolleys and subways.

The defendant raises the question of jurisdiction, and claims that jurisdiction of the matter in hand belongs to the Public Service Commission of the Second District, as the line mentioned runs from a point within one district to a point within the other district. Without deciding the question presented, I am of the opinion that under subdivision 3 of section 5 of the Public Service Commissions Law, the Public Service Commission for the First District has clearly jurisdiction and power to make an order in this matter providing for the restoration of said trains between points lying wholly within the First District. That subdivision is as follows:

"The jurisdiction, supervision, powers and duties of the Public Service Commission in the First District shall extend under this act to such portion of the lines of any other railroad (than a street railroad) as lies within that district, and to the person or corporation owning, leasing, operating or controlling the same, so far as concerns the construction, maintenance, equipment, terminal facilities, and local transportation facilities, *and local transportation of persons or property* within that district."

As all stations on said Putnam Division from 155th Street, to Van Cortlandt, both inclusive, are within the First District, let an order be drawn directing and requiring the restoration of said trains between said points.

Dated, March 6, 1908.

(Signed) JOHN E. EUSTIS, Commissioner.

Commissioner Eustis thereupon moved the adoption of the following order, which was duly seconded:

FINAL ORDER (No. 311).

In the Matter
of
The Service, Regulations and Practices of
the New York Central and Hudson
River Railroad Company, "restoration of
Putnam Division service."
Under Order for Hearing, No. 252, dated
February 11, 1908.

This matter coming on upon the report of the hearing had herein on the 20th day of February, 1908, and it appearing that the said hearing was held pursuant to Order Number 252 of this Commission made February 11, 1908, and returnable on the 20th day of February, 1908, and that said order was duly served upon said New York Central & Hudson River Railroad Company on the 13th day of February, 1908, said order being an order to show cause why said railroad company should not restore the service upon its Putnam Division after midnight which had been discontinued by taking off trains Numbers 103, 105, 106, 107, 108 and 110, train number 103 leaving 155th Street for Yonkers at 2:00 A. M.; train number 105 leaving 155th Street for Yonkers at 3:00 A. M.; train number 107 leaving 155th Street for Yonkers at 4:00 A. M.; train number 106 leaving Yonkers for 155th Street at 2:25 A. M.; train number 108 leaving Yonkers for 155th Street at 3:25 A. M.; and train number 110 leaving Yonkers for 155th Street at 4:25 A. M.; and it appearing that said hearing was held by and before the Commission on the matters embraced in said order on the 20th day of February, 1908, before Mr. Commissioner Eustis presiding, Harry M. Chamberlain, Esq., appearing for the Commission, A. S. Lyman, Esq., and E. H. Boles, Esq., appearing for said railroad company, and proof having been taken upon said hearing, and it being made to appear after the proceedings on said hearing that said service was discontinued on January 19, 1908, and has not been restored except that the train leaving 155th Street for Yonkers at 4:00 A. M., and returning leaving Yonkers for 155th Street at 4:25 A. M., was restored on or about January 30, 1908, and it being made to appear after the proceedings on said hearing that the regulations, practices and service of said railroad company in respect to the transportation of persons upon said line, in the City and State of New York, are unjust, unreasonable, improper and inadequate on account of discontinuance of said trains leaving 155th Street at 2:00 A. M. and at 3:00 A. M., and returning to 155th Street as aforesaid, and that it would be just, reasonable and proper to require that the said trains be restored within the corporate limits of the City of New York on account of the matters proved upon the hearing herein,

And it appearing in the judgment of the Commission, after the said hearing, that the said New York Central & Hudson River Railroad Company does not run trains enough upon its Putnam Division in the City and State of New York, between the stations of 155th Street and Van Cortlandt, reasonably to accommodate the passenger

traffic transported by or offered for transportation to it upon said lines at and between said stations and intermediate stations upon said line; and it appearing in the judgment of the Commission, after said hearing, that an increase of the number of said company's trains upon said division between said stations in the City and State of New York is reasonably necessary to accommodate and transport the passenger traffic transported by, or offered for transportation to it, within the City and State of New York, and that it is just, reasonable and proper for the accommodation and transportation of such passenger traffic that the number of said company's trains upon said division should be increased within the corporate limits of the City of New York by the restoration of the trains so discontinued and not yet restored as aforesaid.

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is Ordered,

(1) That said New York Central & Hudson River Railroad Company be and it hereby is directed and required to increase its passenger service on its Putnam Division in the City and State of New York by the addition daily of one (1) passenger train leaving 155th Street at 2:00 A. M., and stopping at High Bridge, Morris Heights, University Heights, Kingsbridge and Van Cortlandt, and returning so as to reach 155th Street before 3:00 A. M., and stopping at all of said stations on its return, and by the addition of one (1) passenger train leaving 155th Street at 3:00 A. M., and stopping at all of said stations above mentioned, and returning to 155th Street stopping at all of said stations and reaching 155th Street not later than 4:00 A. M.

(2) It is further ordered, That the said service be put into effect by said New York Central & Hudson River Railroad Company not later than the 17th day of March, 1908, and continued each day thereafter.

This order shall continue in force until such time as the Public Service Commission for the First District shall otherwise order.

(3) It is further ordered, That said New York Central & Hudson River Railroad Company notify the Public Service Commission for the First District within five days after the service of this order upon it, whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(12)

O-312

Commissioner McCarroll presented the following order:

COMPLAINT ORDER (No. 312).

Andrew A. Kirkpatrick,
Complainant,
against

Nassau Electric Railroad Company,
Defendant.

The order of the Commission, being Order No. 312, for satisfaction or answer within ten (10) days, as to inadequate service on holidays and Sundays on Fulton

Street line at Utica Avenue, was approved, confirmed and ordered filed in the office of the Commission.

(13)

O-313

The Secretary presented the following order:

COMPLAINT ORDER (No. 313).

Elmer A. Allen,
Complainant,
against

New York Central and Hudson River
Railroad Company,
Defendant.

The order of the Commission, being Order No. 313, for satisfaction or answer within ten (10) days, as to increased service at University Heights station on New York and Putnam Division, was approved, confirmed and ordered filed in the office of the Commission.

(14)

O-314

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 314).

The Civic League of The Bronx,
Complainant,
against

New York Central and Hudson River Rail-
road Company,
Defendant.

"Additional local trains on the Harlem
Division."

Upon the complaint herein, on which Order No. 23 was issued on the eighteenth day of September, 1907, and the answer of the New York Central and Hudson River Railroad Company thereto, received on the fifteenth day of October, 1907, it is

Ordered, That upon the matters therein, a hearing be had on the 19th day of March, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable. Further

Ordered, That the said complainant and the said New York Central and Hudson River Railroad Company be given at least ten (10) days' notice of such hearing, by service upon W. W. Niles, 11 Wall Street, New York City, and upon said Company, either personally or by mail, of a certified copy of this order, and that at such hearing

said complainant and said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(15)

3186

The Secretary presented a communication from the Receivers of the New York City Railway Company with regard to the matter of a rule as to standing on the platforms of pay-as-you-enter cars, and a communication from the Counsel to the Commission thereon; and it was understood that the Chairman would reply to the Receivers, stating that an engineer of the Commission would make an inspection of the cars and a report to the Commission.

(16)

O-274

The Secretary presented the following communication from the New York, New Haven and Hartford Railroad Company, upon Order No. 274 of the Commission with regard to the construction of the Westchester and Portchester railroads, which was ordered filed:

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

ORDER No. 274.

Answer.

The New York, New Haven & Hartford Railroad Company, hereby submits the following as its answer to the questions, asked in Order No. 274 by the Public Service Commission for the First District, such answer being made by it as the owner of the stock of the Millbrook Company, which in turn owns the stock of the New York & Portchester Railroad Company, which controls the stock of the New York, Westchester & Boston Railway Company:

First.—In the month of June, 1907, and not before, the work of constructing the Westchester Railroad was discontinued because that Company then was unable, either by agreement or by condemnation proceedings, to obtain real estate necessary for an essential portion of its right of way. Owners of such real estate refused to agree to a sale thereof, and in the condemnation proceedings resulting because of such refusal, such owners challenged the validity and the continued existence of the corporate rights as alleged of the New York, Westchester & Boston Railway Company. Such opposition by property owners constituted an obstacle to the construction of the Westchester Railroad, which would be insuperable, until after the final establishment of the legal validity of the Westchester charter and franchises.

Thereupon it was sought to avail of the unquestioned charter rights of the New York & Portchester Railroad Company so as to complete construction by making common use of the constructed portion of the line of the Westchester Company. With

this view an agreement was made between the Boards of Directors of the Portchester Company and of the Westchester Company, to change the route of the Portchester Company so that for the greater part thereof within the City of New York it should coincide with the route of the Westchester Company.

Accordingly, in April, 1907, the Portchester Company submitted to the Board of Estimate and Apportionment of the City of New York, a petition for leave to cross streets in the Borough of The Bronx on such amended route.

Thereupon a minority stockholder of the Westchester Company brought suit to enjoin such proceedings, and in particular to enjoin the Board of Estimate and Apportionment from acting upon the Portchester Company's application for a change of its route.

After a hearing at special term in June, 1907, Mr. Justice Dayton sustained a preliminary injunction, which, on appeal was reviewed and affirmed by the Appellate Division in January, 1908—Mr. Justice Ingraham and Mr. Justice Patterson dissenting and holding that the injunction should be dissolved.

This suit now is to come up for hearing upon the merits, and is set down for hearing upon Monday, March 9, under the opinion of the Appellate Division (of which a copy is hereto attached) reviewing the entire situation.

Upon December 27, 1907, a decision was rendered by the Referee, Judge Charles F. Brown, in the condemnation proceedings in which Mrs. Arabella D. Huntington, as a property owner, challenged the validity of the Westchester charter, in which decision the charter was sustained. An appeal therefrom to the Appellate Division for the First Department is now being perfected by the property owner.

Until either the Westchester Company by reason of some final determination sustaining the validity of its charter rights, is in an uncontested position to condemn property, or the Portchester Company through the consent of the Board of Estimate to the crossing of the streets upon its amended route, is in like position, and is relieved from the injunction at the instance of the Westchester minority stockholder, little progress can be made with either railroad, and certainly it is not to the public interest that this particular territory should be traversed by three railroads, the New Haven, the Portchester and the Westchester.

The condition as existing upon December 31, 1907, was fully set forth in a letter of that date from the President of this Company to the Secretary of the Board of Estimate and Apportionment, published in the *NEW YORK CITY RECORD* of Tuesday, January 14, 1908, and which also appears in the *NEW YORK CITY RECORD* of March 4, 1908, annexed to a report of the counsel of the Public Service Commission, First District, on the New York, Westchester and Boston Railway Company.

Second.—From the foregoing, it will appear that it is impracticable for this Company, merely in indirect control of the Westchester Company, to make any definite or categorical answer to the last five questions in Order No. 274, inasmuch as any answers are dependent upon the uncertainty of litigation.

The only possible answer is, that as soon as it can be determined which corporation is to construct which railroad, the work of construction is to be resumed; and that the railroad in all three of its sections, viz., from the Harlem River to 177th Street, from 177th Street to the City Line, and from the City Line through the Westchester localities, is to be completed without delay and upon completion is to be put in operation.

Excepting for these legal complications above mentioned, as well as the embarrassing condition of laws relating to railroad franchises within the City of New York, it is probable that at least one of those roads long since would have been completed and would be now in operation.

Dated March 5th, 1908.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY.

By C. S. Mellen, President.

(17)

C-1639

The Secretary presented two letters from C. E. Woodbridge, complaining as to the insufficient stairways at the Boerum Place station of the Kings County Elevated Railroad, and asking for additional temporary stairways to give relief until the completion of the new station. The letters were referred to Commissioner McCarroll.

(18)

3050

The Secretary presented a communication from the Pioneer Republican Club, transmitting a resolution advocating the construction of a subway crossing Harlem River between Second and Third Avenues, through Southern Boulevard, Willis Avenue, Third Avenue, Melrose Avenue, 161st Street, Elton Avenue, 163d Street, Boston Road, McKinley Square, Clinton Avenue, Crotona Avenue, Pelham Avenue, Bronx Park and Boston Road to the City line. The papers were ordered filed.

(19)

1373

The Secretary presented a communication from the Bowne Park Improvement Association, transmitting resolutions, as to transit improvements in and to Queens, which were referred to Commissioner Bassett.

(20)

3050

The Secretary presented a communication from the Cornucopia Club, transmitting resolutions adopting the extension of the elevated structure of the Subway system from 180th Street and Boston Post Road, from West Farms Road and Morris Park Avenue and White Plains Avenue to East 243rd Street, and stating that the expense of such extension would be not more than three million dollars. The resolution was ordered filed.

(21)

2139

The Secretary presented a communication from the Civic Union, inviting the Commission to be present at its meeting at No. 1377 Myrtle Avenue, Brooklyn, on Friday evening, March 6th, for the purpose of discussing an extension to the proposed Lafayette Avenue Subway to Myrtle Avenue and from Myrtle Avenue to Ridgewood Heights. The letter was ordered filed.

(22)

O-315

APPLICATION OF THE INTERBOROUGH RAPID TRANSIT COMPANY FOR APPROVAL OF MORTGAGE, BONDS AND NOTES.

The Secretary presented the following communication from T. P. Shonts, Chairman of the Executive Committee of the Interborough Rapid Transit Company, with the accompanying petition:

INTERBOROUGH RAPID TRANSIT COMPANY,
EXECUTIVE COMMITTEE, No. 115 BROADWAY,
NEW YORK, March 4, 1908.

To the Public Service Commission for the First District:

GENTLEMEN—I hand you herewith the petition of Interborough Rapid Transit Company for the approval of the issue of bonds and the execution of a mortgage by this Company. I also hand you with such petition, as required by your rules, the following papers:

(a) Certified copy of certificate of incorporation of Interborough Rapid Transit Company.

(b) Certified copy of the proceedings for the increase of capital stock of Interborough Rapid Transit Company from \$25,000,000 to \$35,000,000.

(c) Certificate of proceedings increasing number of Board of Directors of Interborough Rapid Transit Company from thirteen to fifteen.

(d) Copy trust agreement, Interborough Rapid Transit Company and Windsor Trust Company, dated May 1, 1905.

(e) Copy trust agreement, Interborough Rapid Transit Company and Morton Trust Company, dated March 1, 1907.

(f) Copy of notice of special meeting of stockholders of Interborough Rapid Transit Company called to be held March 17, 1908, for the purpose of passing upon proposition to issue bonds and execute mortgage.

(g) Duplicate original of proxy issued by Windsor Trust Company, Trustee, to vote at special meeting on the 339,128 shares (out of a total of 350,000 shares) of Interborough Rapid Transit Company stock at such meeting.

(h) Copy of the form of the mortgage proposed to be executed.

I am,

Very respectfully yours,

(Signed) T. P. SHONTS, Chairman.

To the Public Service Commission for the First District:

The petition of Interborough Rapid Transit Company respectfully shows:

That your petitioner is a railroad corporation duly incorporated under the Railroad Law pursuant to the provisions of Chapter 544 of the Laws of 1902, being an act entitled "An Act to Amend Chapter Four of the Laws of Eighteen hundred and ninety-one entitled 'An Act to provide for Rapid Transit railways in Cities of over one million inhabitants,'" having been approved by the Board of Rapid Transit Railroad Commissioners in and for the City of New York, pursuant to the provisions of said chapter 544 of the Laws of 1902, and having been organized for the purpose of undertaking the construction and operation (including the equipment thereof) of the rapid transit railroad in the City of New York constructed and in process of construction under contract made between the City of New York (acting by its Board of Rapid Transit Railroad Commissioners) and John B. McDonald, dated February 21, 1900, pursuant to the provisions of the said chapter four of the Laws of 1891, and amendments thereof, known as the Rapid Transit Act; and that your petitioner is engaged in the operation of the said rapid transit railway, and also of an extension thereof, constructed and in process of construction pursuant to contract between the City of New York (acting by its Board of Rapid Transit Railroad Commissioners) and Rapid Transit Subway Construction Company, dated July 21, 1902, under and pursuant to assignments to your petitioner duly made with the approval of the said Board of Rapid Transit Railroad Commissioners of the leasing parts of said respective contracts for the construction of the said respective rapid transit railroads.

Your petitioner is also engaged in the operation of the elevated railway system belonging to Manhattan Railway Company under lease to it duly executed by said Manhattan Railway Company dated January 1, 1903.

Your petitioner requests authority to execute a mortgage of all of its real estate and all of its interests as lessee of the rapid transit railroads above referred to, derived by assignment from John B. McDonald and Rapid Transit Subway Construction Company, respectively, and the other property described in its proposed mortgage, the form of which is submitted herewith, to secure an issue of not to exceed \$55,000,000 face value of its forty-five year gold mortgage bonds, to be dated as of November 1, 1907, to be payable November 1, 1952, with interest at a rate to be fixed by the Board of Directors of the Company from time to time, payable semi-annually on the first days of May and November in each year, both principal and interest to be payable in U. S. gold coin without deduction for tax. Such bonds to be entitled to the benefit of and to be subject to purchase at 110 per cent. and accrued interest through the operations of a sinking fund of \$300,000 per annum, beginning November 1, 1910. The bonds are also to be subject to payment and cancellation at the option of your petitioner on any interest day in amounts of not less than \$1,000,000 face value at 110 per cent. and accrued interest.

The financial condition of your petitioner is as follows:

Capital stock outstanding.....	<u>\$35,000,000 00</u>
--------------------------------	------------------------

Dividends declared thereon during the past five years, viz.:

Subway opened for operation ^a Oct. 27, 1904.....	.....
For the year ended Dec. 31st, 1904.....	5 %
For the year ended Dec. 31st, 1905.....	7¾%
For the year ended Dec. 31st, 1906.....	8¾%
For the year ended Dec. 31st, 1907.....	<u>9 %</u>

Outstanding Indebtedness—

\$15,000,000 face value four per cent. three year gold notes due May 1, 1908, issued under trust agreement with Windsor Trust Company, Trustee.

\$10,000,000 face value three year five per cent. gold notes due March 1, 1910, issued under trust agreement with Morton Trust Company, Trustee.

Neither of these series of notes is secured by mortgage or pledge of any property and copies of the trust instruments under which the same are issued are submitted herewith.

Other Indebtedness—

Time and demand loans.....	\$5,120,172 55
Accounts payable	5,232,553 56
	<u>\$10,352,726 11</u>

The railroads and equipment operated by your petitioner and those described in the respective contracts above referred to which are on record in your office, and detailed statements of the equipment which have already been filed with you, or your predecessors, the Board of Rapid Transit Railroad Commissioners. The cost of the equipment of the said railroads to December 31, 1907, was \$26,056,641.91.

A statement of the actual cash cost of the properties included in the proposed mortgage is annexed hereto as a part of this petition.

339,128 shares of your petitioner's capital stock is owned by Interborough-Metropolitan Company, a domestic business corporation, and pledged to the Windsor Trust Company under a trust indenture to it by Interborough-Metropolitan Company, dated March 5, 1906, to secure an issue of its four and half per cent. bonds. Each of said trust agreements under which said respective series of notes of your petitioner above referred to was issued provides that in case the company shall mortgage its lease-hold interest in the rapid transit railroad in the City of New York, or in Manhattan Railway, or pledge any of the capital stock of Rapid Transit Subway Construction Company or New York & Queens County Railway Company owned by it (the agreement securing the \$10,000,000 note issue, also including the stocks of New York & Long Island Traction Company and Long Island Electric Company), prior to the payment

of the said notes, such mortgage or pledge shall be in part for the benefit and security of the holders of said notes and coupons, and shall expressly provide that said notes and coupons shall have a lien upon the premises and property so mortgaged or pledged equal to the lien of any other obligations of the company which may be secured thereby. The mortgage will directly secure payment of these notes until the same shall be exchanged for bonds issued under the mortgage or retired or otherwise cancelled.

Your petitioner further shows that the purposes for which it desires to issue its said bonds are as follows:

To be set aside and reserved for the following purposes, viz.:

For the purchase or retirement of the \$15,000,000, face value, four per cent. three year gold notes of the company maturing May 1, 1908, not exceeding \$18,000,000.

For the purchase or retirement of the \$10,000,000 three year five per cent. gold notes maturing March 1, 1910, not exceeding \$12,000,000 face value (provision is made for the event of an extension of either of said issues of gold notes by depositing as collateral security for the payment thereof the amount of bonds so reserved with respect to each of said issues).

The remainder of the bonds to be issued from time to time only for the purposes enumerated in section 7 of Article II of the trust deed (conforming to the restrictions with respect to the voting or consenting power of the stock of Interborough Rapid Transit Company pledged thereunder in the trust agreement between Interborough-Metropolitan Company and Morton Trust Company, as Trustee, dated March 5, 1906), being briefly, to pay for construction or acquisition of or improvements, betterments, additions to, extensions of or in payment for lines of rapid transit railway in the City of New York and other lines of railway of any character in said City owned or leased by a corporation at least ninety per cent. of whose stock is owned by Interborough Company, or to fund or refund the indebtedness of said company contracted for one or more of said purposes, or indebtedness of any other company assumed or guaranteed by Interborough Company and contracted for one of said purposes. Bonds issued under said section 7 are to be authenticated and delivered from time to time only upon proof of facts authorizing such issue, and except when used to reimburse the company for expenditures incurred for one or more of the authorized purposes, proceeds of sale are to be deposited with the trustee and applied only to the purposes authorized and upon proof made as provided in said section 7.

Your petitioner prays for authority to at once issue the following amounts of bonds of the said total proposed issue, viz.:

For the purpose of securing the payment or extension of the said four per cent. three year gold notes maturing May 1, 1908, \$18,000,000.

For the purpose of refunding other indebtedness of Interborough Company (time and demand loans and accounts payable) incurred for one or more of the purposes in section 7 of Article II of the mortgage specified \$12,000,000.

The said mortgage has been authorized by the board of directors of Interborough Rapid Transit Company and a special meeting of the stockholders has been called to be held March 17, 1908, for the purpose of considering and acting upon the proposition to issue said bonds secured by said mortgage. The Windsor Trust Company, Trustee, as the holder of 339,128 shares of the stock of your petitioner, has executed a proxy in favor of nominees of said Interborough-Metropolitan stock to vote upon the same at said special meeting for the purpose of authorizing said mortgage, and your petitioner files herewith a duplicate original of said proxy.

Your petitioner further shows that \$30,000,000 face value of the bonds proposed to be issued by it, as aforesaid are to be used as follows, viz: \$18,000,000 for the purpose of refunding or securing the extension of time of payment of its said \$15,000,000 face value of gold notes which mature May 1, 1908, as above mentioned, and that \$12,000,000 face value of said bonds are to be employed for the purpose of discharging or refunding its above mentioned current unsecured obligations, aggregating the sum of \$10,352,726.11 which obligations were principally incurred for the following purposes, viz.:

Excess cost of that part of the Brooklyn Extension of the Subway in operation December 31st, 1907.....	\$2,624,910 07
On account of equipment of Subway under Contracts Nos. 1 and 2 with the City of New York.....	7,727,816 04
	<hr/>
	<u>\$10,352,726 11</u>

Your petitioner further shows that no contract has yet been made for the sale of said bonds.

Your petitioner further shows that none of the outstanding stock or other obligations have been issued or used in capitalizing any franchise or right to own, operate or enjoy any franchise or any contract for consolidation or lease; that \$21,400,000 of the stock was issued for cash (2,200,000 thereof at 110%) and \$13,600,000 par value thereof was issued to pay for the acquisition of the capital stock of other corporations, including all the capital stock of Rapid Transit Subway Construction Company, and for the interests of all parties other than Rapid Transit Subway Construction Company in the lease of the rapid transit railroad constructed under contract between John B. McDonald and the City of New York, dated February 21, 1900, and the agreements amendatory thereof and supplemental thereto (including \$27,500 of bonds) and services rendered in connection with such acquisition.

Your petitioner, therefore, prays that the Commission will approve the execution by it of its said proposed mortgage and the immediate issue by it of the following amounts of bonds secured thereby, viz.: (1) Bonds to an amount not exceeding \$18,000,000 for the purpose of refunding or securing the extension of its said series of \$15,000,000 face value gold notes maturing May 1, 1908; and (2) Bonds to the amount of \$12,000,000, face value, for the purpose of funding or discharging its present outstanding

indebtedness (other than its gold notes) and of providing funds for its immediate needs.

Your petitioner further shows that it has not yet concluded negotiations for the payment or extension of its said four per cent. three year gold notes, maturing May 1, 1908, nor for the sale of the new bonds to meet its above mentioned current obligations, and it may be found necessary that your petitioner should issue its promissory notes in extension of the said four per cent. three year gold notes and secure the payment of such extended notes by the pledge of the \$18,000,000 face value of bonds reserved for that purpose in the proposed new mortgage, and to sell its notes secured by the pledge of the new bonds to provide funds to meet its above mentioned current unsecured obligations. Your petitioner, therefore, also prays that the Commission will approve the issue by it of its promissory notes to an amount not exceeding \$25,000,000, to be dated May 1, 1908, to be payable not exceeding three years from date, with interest payable semi-annually at such rate as may be agreed upon by your petitioner's board of directors, not exceeding six per cent. per annum, and to secure the said extended notes by the pledge of not exceeding \$30,000,000 face value of the said proposed new mortgage bonds, in accordance with the provisions of the proposed mortgage submitted herewith.

Your petitioner further prays that your Commission, as the Successor to the Board of Rapid Transit Railroad Commissioners in the City of New York and pursuant to the terms of the contracts for the construction, maintenance and operation of said railroads, respectively, will consent to the mortgage of the leases of the rapid transit railroads from the City of New York assigned to your petitioner as aforesaid.

INTERBOROUGH RAPID TRANSIT COMPANY,

By (Signed) T. P. SHONTS,
Chairman Executive Committee.

County of New York, ss.:

T. P. Shonts, being duly sworn, says he is an officer, to wit, Chairman of the Executive Committee, of Interborough Rapid Transit Company, the above named petitioner; that he has read the foregoing petition and the same is true to the best of his knowledge, information and belief.

(Signed) T. P. SHONTS.

Sworn to and subscribed to before me
this 4th day of March, 1908.

(Signed) EARL E. STARBARD,

Notary Public, N. Y. County.

[SEAL]

INTERBOROUGH RAPID TRANSIT COMPANY

Statement of Cash Cost of Properties Included in the Proposed Mortgage.

Value of Leases of Subway taken at actual amount of cash expended for equipment, and the actual amount for construction, in excess of amount received from City of New York..... \$35,752,698 98

Real Estate not included in equipment.....	196,814 33
Capital Stock of Rapid Transit Subway Construction at par, being amount paid in cash.....	6,000,000 00
Stocks and Bonds of the following named companies at cash cost to Interborough Rapid Transit Company:	
/ Subway Realty Company.....	\$2,106,265 84
New York & Queens County Railway Company	2,900,151 67
New York & Long Island Traction Company.....	744,557 76
Long Island Electric Railway Company.....	612,820 83
	<hr/> 6,363,796 10
Manhattan Guaranty Fund, (which by the agreement, under which the Gold Notes maturing May 1, 1908, were issued, is appropriated to the security of the gold notes).....	4,057,986 59
Amounts due from Companies whose stocks are included in the mortgage:	
New York & Queens County Railway Company..	\$732,000 00
New York & Long Island Traction Company....	50,000 00
Subway Realty Company.....	942,122 72
	<hr/> 1,724,122 72
	<hr/> \$54,095,418 72

The foregoing represents the actual cash invested in the properties mentioned and the actual cash advances made to the Companies specified, all as of December 31, 1907. This statement does not include the capitalized value of the subway leases or the Manhattan Railway lease, nor the amount invested in the New York and Long Island Railroad ("Steinway Tunnel") about \$7,500,000, nor the amounts due from the City of New York on Subway Contracts Nos. One and Two, nor materials and supplies and other current assets.

(Signed) T. P. SHONTS, Chairman Executive Committee.

On motion, duly seconded, the following resolution was thereupon adopted:

HEARING ORDER (No. 315).

Whereas, The Public Service Commission for the First District has received the petition of the Interborough Rapid Transit Company, verified the 4th day of March, 1908, praying

(1) That the Commission approve the execution by said company of a mortgage of all of its real estate and all of its interests as lessee of rapid transit railroads and other property described in said proposed mortgage, a form of which mortgage is submitted with said petition to secure an issue of not to exceed Fifty-five Million

Dollars (\$55,000,000), face value of its forty-five year gold mortgage bonds, to be dated as of November 1, 1907, payable November 1, 1952.

(2) That authority be given to it by the Commission to issue immediately the following amounts of said bonds, namely: Eighteen Million Dollars (\$18,000,000), face value of said bonds, for the purpose of refunding or securing the extension of Fifteen Million Dollars (\$15,000,000), face value gold notes of said company maturing May 1, 1908; Twelve Million Dollars (\$12,000,000), face value of said bonds, for the purpose of refunding or discharging its present outstanding indebtedness (other than its gold notes) and of providing funds for its immediate needs.

(3) That authority be given to it by the Commission to issue its promissory notes to an amount not exceeding Twenty-five Million Dollars (\$25,000,000), to be dated May 1, 1908, payable at not exceeding three years from date, with interest semi-annually not exceeding six per cent. per annum, and to secure the said extended notes by the pledge of not exceeding Thirty Million Dollars (\$30,000,000), face value of the said proposed new mortgage bonds.

(4) The consent of the said Commission, as successor to the Board of Rapid Transit Railroad Commissioners in The City of New York, and pursuant to the terms of the contracts for the construction, maintenance and operation of said rapid transit railroads, to the said mortgage of the leases of the rapid transit railroads from The City of New York assigned to said petitioner.

Resolved, That the said petition of the said Interborough Rapid Transit Company be heard by and before the Public Service Commission for the First District on Monday, March 16, 1908, at 2.30 o'clock in the afternoon, and that the said company publish a notice of the said application and of the time and place of the said hearing in the following newspapers, namely: "New York Herald" and "Mail and Express," published in the Borough of Manhattan, in the City of New York, at least three days in succession before said hearing, and file proof of such publication with the Secretary of this Commission on or before the opening of the said hearing.

Ayes—Commissioners McCarroll, Bassett, Eustis.

Nays—None.

Carried.

The notice referred to in the above resolution being as follows:

Notice is hereby given that an application and petition of the Interborough Rapid Transit Company to the Public Service Commission for the First District, has been made, praying

(1) That the Commission approve the execution by said company of a mortgage of all of its real estate and all of its interests as lessee of rapid transit railroads and other property described in said proposed mortgage, a form of which mortgage is submitted with said petition to secure an issue of not to exceed Fifty-five Million Dollars (\$55,000,000), face value of its forty-five year gold mortgage bonds, to be dated as of November 1, 1907, payable November 1, 1952.

(2) That authority be given to it by the Commission to issue immediately the following amounts of said bonds, namely: Eighteen Million Dollars (\$18,000,000), face value of said bonds, for the purpose of refunding or securing the extension of Fifteen Million Dollars (\$15,000,000), face value gold notes of said company maturing May 1, 1908; Twelve Million Dollars (\$12,000,000), face value of said bonds, for the purpose of refunding or discharging its present outstanding indebtedness (other than its gold notes) and of providing funds for its immediate needs.

(3) That authority be given to it by the Commission to issue its promissory notes to an amount not exceeding Twenty-five Million Dollars (\$25,000,000), to be dated May 1, 1908, payable at not exceeding three years from date, with interest semi-annually not exceeding six per cent. per annum, and to secure the said extended notes by the pledge of not exceeding Thirty Million Dollars (\$30,000,000), face value of the said proposed new mortgage bonds.

(4) The consent of the said Commission, as successor to the Board of Rapid Transit Railroad Commissioners in The City of New York, and pursuant to the terms of the contracts for the construction, maintenance and operation of said rapid transit railroads, to the said mortgage of the leases of the rapid transit railroads from The City of New York, assigned to said petitioner.

And that said application and petition will be heard by the said Commission at its office, Number 154 Nassau Street, Borough of Manhattan, New York City, on Monday, March 16, 1908, at 2.30 o'clock in the afternoon.

Dated New York, March , 1908.

INTERBOROUGH RAPID TRANSIT COMPANY,

By.....

(23)

2090

Commissioner Bassett stated, as to a communication from John H. O'Brien, Commissioner of Water Supply, Gas and Electricity, with reference to high pressure water mains in Center Street, which had been referred to him, that he had had a conference in his office, between engineers of the Commission, and engineers from the Water Department, and that a satisfactory understanding had been arrived at; and presented the following communication from the Chief Engineer with regard thereto:

March 3, 1908.

Hon. WILLIAM R. WILLCOX, *Chairman, Public Service Commission for the First District:*

DEAR SIR—In reference to the report of I. M. de Varona, Esq., Chief Engineer of the Department of Water Supply, dated February 28, a copy of which was transmitted to the Public Service Commission by Hon. John H. O'Brien, Commissioner, under date of March 2nd, 1908, I beg to report, as follows, referring, seriatim, to items in the letter of Mr. de Varona:

At Bowery & Delancey Street:

No change has been made in the elevation of the roof of the Delancey Street Subway at the Bowery. The distance from the street surface to the extreme top of the roof within the limits of the Bowery roadway, will be in excess of 22 ft. This obviously cannot interfere with pipes near the surface.

Bowery & Canal Street:

No change has been made in the elevation of the top of the structure to be built on Canal Street. The original plans, however, required a change in the high-pressure main, as well as other mains in the street, which changes are still necessary.

The subway contractor under his contract with the City is required to support all sub-surface structures and to make all necessary changes in the same at his own expense.

Broome & Centre Streets:

There has been a change in the elevation of the roof of the structure at Broome Street & Centre Street, but under the present plan there will be 6 ft. clear between the top of the subway structure and the street surface, and an additional depth of about 3 ft. 9 ins. can be obtained by leaving a depression between the girders which span the structure at this point, making a depth of a little less than 10 ft. between the street surface and the top of the subway structure. It is not clear why a cut-out should be made, but if necessary it could be done by a shut-off of eight hours. There will be no vent chambers constructed at Broome & Centre Sts.

Canal Street between Centre Street & Bowery:

A request that the high-pressure main be omitted from Canal Street between Bowery & Centre Street, was made to the Department of Water Supply in July, and a short time later request was made that the hydrants and their connections be omitted until after the subway structure was completed. The Water Department would not comply with this request, but did change the location from the south to the north side of Canal Street. The 16-inch main has been laid from the Bowery westward to Mulberry Street, and eastward from the west side of Centre Street to Baxter Street. The Degnon Contracting Co. has a dumping platform located east of Baxter Street, under which the 16-inch main could be laid, if the Water Department desires to do so.

Regarding the latter part of the statement under the heading "Canal Street between Centre Street & Bowery," I beg to state that in the roof of the structure, no change has been made from Mulberry Street eastward, and on Canal Street, from Mulberry Street westward, it offers an ample clearance for sub-surface structures.

The statement that "the time for completion on the part of the contractors" has been extended, is erroneous. On the contrary, they have conceded five months in their contract time by reason of the change of plan for Section 9-0-2.

Chambers Street between Park Row & Centre Street:

The 24-inch line in Chambers Street is supported in the air as stated. The Chief Engineer of the Department of Water Supply, has been requested to advise as to the

lateral or other supports which in his judgment are necessary to properly support the main, but has failed to do so.

Centre Street between Chambers & Broome Streets:

The statement that provision for the high-pressure mains would be made in the pipe galleries as originally planned, is correct. The pipe galleries have been modified, restricting them to ducts, but the roof remains unchanged.

Under the present plan there will be from 1 to 2 ft. more cover over the roof than was called for under the original contract plans, and there will be a space along the side of the subway structure for the location of 20-inch high-pressure lines, and sufficient cover can be obtained over this line within the limits mentioned above. In like manner, space will be provided for the hydrants and hydrant connections.

Mott Street between Park Row and Canal Street:

The statement that the laying of the 12-inch high-pressure main has been delayed by reason of the construction of the large sewer, is correct. Had the main been laid before the sewer was built, however, the same danger to the main from settlement would have existed as exists now.

The plans of the Subway on Centre & Canal Sts., to which reference is made, were furnished by the Division Engineer in charge, to the Assistant Engineer of the Water Department for convenience in discussing pipe changes, as they might from time to time become necessary.

It was not customary in the construction of Contracts 1 and 2, to furnish detail plans of these contracts to the Water Department prior to beginning work. As the work, however, progressed and it became necessary to change sub-surface structures, plans showing the proposed changes in the water mains were prepared, the approval of which by the Chief Engineer of the Department of Water Supply was obtained before the contractor was permitted to make the necessary changes.

As to the length of time the high-pressure system will be affected by the construction of the subway, the loop contracts are required to be completed by February 1909, and there is no reason at this time to expect that the construction will be delayed beyond that date.

Regarding the acknowledgment of correspondence, the two letters referred to from the Water Department, were answered in one, by my letter to you of February 21, 1908.

Division Engineer Clark informs me that he has frequently requested the several engineers of the Department of Water Supply, to communicate directly with him whenever they have any occasion to find fault with or criticise the work of the several contractors engaged on the Brooklyn loop lines, to the end that proper and necessary steps may be taken without undue delay, looking to the protection of the mains of the Department of Water Supply.

6th Avenue, 14th Street to 23rd Street:

This reference seems hardly necessary, in view of the fact that the franchise for this work contains provision that permits for the work shall be obtained from the sev-

eral City Departments. The revised charter provided that no changes shall be made in the sub-surface structures, without the permission and approval of the Commissioner of Water Supply, Gas & Electricity, and the work on Sixth Avenue, as far as pipe changes are concerned, is being done under this provision.

In addition to the above facts, I am advised that some five or six weeks ago a contract was made between the Department of Water Supply, Gas & Electricity and The Degnon Contracting Company, contractors for the Sixth Avenue section of the McAdoo Tunnel, whereby the contractors obtained the right to cut out all the cross lines—high-pressure system—for a period of six months, and upon their restoration to maintain them for a period of one year following; that The Degnon Contracting Co. have furnished a bond to the Department of Water Supply, Gas & Electricity, binding them to the faithful performance of the several provisions of their contract with the Water Department.

I enclose herewith for your information, correspondence between the contractors, the division engineer in charge of the work, and Mr. de Varona, relative to the question of high-pressure mains.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

Commissioner Bassett moved, and it was duly seconded, that the Secretary be directed to send the following communication to John H. O'Brien, Commissioner of Water Supply, Gas and Electricity:

March 6th, 1908.

Hon. JOHN H. O'BRIEN, Commissioner, Department of Water Supply, Gas and Electricity, 13-21 Park Row, New York City.

DEAR SIR—In order that no time should be lost in bringing the engineers of our Commission into a right understanding with your engineers, the Commission immediately on the receipt of yours of March 2nd appointed an hour for a conference at this office. This conference was held on March 5th, during which the entire matter was traversed. A letter dated March 3rd, which had been submitted to the Commission by Chief Engineer Seaman, was read at that time and your engineers requested that a copy might be sent to them. We enclose a copy herein. The Commission has instructed me to say that they hope that as a result of this conference there will be a better understanding of our respective positions, and assure you that the Commission will at all times do everything in their power to embarrass your work as little as possible. We have referred to our counsel certain points involved and will advise you further on the subject within a few days.

Very truly yours,

Secretary.

Ayes—Commissioners McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(24)

O-316

Commissioner Bassett presented the following opinion in the matter of complaints of Bird S. Coler:

OPINION.

In the month of March, 1907, the defendant companies were requested by the Borough authorities of the Borough of Brooklyn to repair the pavement on certain streets in said Borough, but said companies failed to comply with said request, or complied therewith only in part, whereupon, in the month of October, 1907, the Borough authorities made and served what they call a "peremptory notice" requiring the defendants to repair the pavement on a portion of said streets within thirty days thereafter as provided by section 98 of the Railroad Law. The defendant companies having failed to make the repairs mentioned within the time prescribed, complaints were filed with this Commission by Bird S. Coler, President of the Borough of Brooklyn, setting forth the facts and asking the Commission for relief. Copies of these complaints were transmitted to the defendants, accompanied by the usual complaint orders requiring the defendants concerned to satisfy the matters complained of or to make answer within ten days thereafter. The defendants filed various answers with the Commission, and upon the complaints and these answers orders No. 189, No. 190 and No. 191 were issued on January 6th, 1908, returnable on January 21st, 1908, which brought on the hearing herein. As all these orders were returnable at the same time, all three cases were consolidated and tried together. The hearing was had on January 21st, 1908, and, by adjournments duly had, on January 28th, 1908 and February 4th, 1908.

Order No. 189 has reference to Farragut Road between Ocean Avenue and East 26th Street.

Order No. 190 has reference to Vanderbilt Avenue, between Park Avenue and Myrtle Avenue; Nassau Avenue between Diamond Street and Morgan Avenue; Franklin Street, between Kent Avenue and Commercial Street; Manhattan Avenue, between Driggs Avenue and Newtown Creek, and Driggs Avenue between South 4th Street and South 12th Street.

Order No. 191 has reference to Marcy Avenue, between Flushing Avenue and Middleton Street.

Section 98 of the Railroad Law so far as applicable to paving, is as follows:

"Every street surface railroad corporation so long as it shall continue to use any of its tracks in any street, avenue or public place in any city or village shall have and keep in permanent repair that portion of such street, avenue, or public place between its tracks, the rails of its tracks, and two feet in width outside of its tracks, under the supervision of the proper local authorities, and whenever required by them to do so, and in such manner as they may prescribe. In case of the neglect of any corporation to make pavements or repairs after the expiration of thirty days' notice to do so the local authorities may make the same at the expense of such corporation."

The Borough authorities have not proceeded to make repairs in these streets at the expense of the defendant companies as authorized by this section, but seek the aid of

the Commission in the matter. If the complaints had been made by parties other than the Borough authorities the Commission might hesitate to interfere and might be inclined to leave the matter to be settled between the Borough authorities and the railroad companies, but when the Borough authorities are themselves the one to make the complaint, I regard it as proper for the Commission to take such action as the circumstances warrant.

The charters and franchises of some of the defendant companies contain certain provisions as to paving which are not the same as those contained in Section 98 of the Railroad Law above quoted, but in my opinion all charter or franchise provisions in this regard, are superseded by the provisions of the section mentioned, and the paving obligations of all of said companies are fixed and determined by the provisions of that section.

Under section 98 of the Railroad Law the area which a street surface railroad company is required to keep in repair consists of that portion of the street between the tracks, the rails of the tracks, and two feet in width outside thereof. The remainder of the street is to be kept in repair by the municipality. For convenience the area required to be maintained by the railroad company will be designated as the "railroad company's portion" and the remainder of each street will be designated as the "city's portion." The condition of the pavement in the various streets mentioned and between the points mentioned is shown by the evidence to be as follows:

1. Farragut Road, between Ocean Avenue and East 26th Street.

On this street the railroad company's portion of the pavement consists of granite block, and the city's portion consists of macadam. The condition of the city's portion of the pavement is good, but the railroad company's portion is poor, owing to a regular series of depressions formed by the settlement of the granite blocks between ties, the blocks being laid on sand foundation and settling between the ties. This condition could be remedied by laying those granite blocks on a concrete foundation, and an order should issue that this be done. At Mansfield Place and at Elmore Place and at other points the tracks and the pavement in and between the tracks are depressed to such an extent as to cause water to pond between and adjacent to the tracks and to cause the tops of manholes to project above the surface of the pavement, and the order should provide that at all points the tracks and the pavement in and between and adjacent to the same should be made to conform to the grade of the street in such manner as to prevent the ponding of water and permit proper drainage to the catch-basins on the sides of the street.

2. Vanderbilt Avenue, between Park Avenue and Myrtle Avenue.

In this avenue the city's portion is paved with granite blocks in excellent condition. The railroad company's area is paved with cobbles which are of various sizes and which have settled irregularly below the tops of the rails. The condition

of this area is decidedly inferior to that of the city owing to the use by the railroad company of cobbles instead of granite blocks and owing to the irregular settlement of the cobbles between the ties. The entire area of the railroad company should be repaved with granite blocks on a concrete foundation, in such manner as to cause the surface thereof to conform properly to the grade of the street, and an order to that effect should issue.

3. Nassau Avenue, between Diamond Street and Morgan Avenue.

The pavement here is entirely of granite block. The condition of the pavement within the city's area is very good, but the railroad company's portion is in very poor condition owing to settlement of granite blocks between the ties. The entire area of the railroad company should be repaved with granite blocks on a concrete foundation. This is the only way suggested whereby the irregular settlement of the granite blocks can be prevented. An order should issue accordingly.

4. Franklin Street, between Kent Avenue and Commercial Street.

The pavement on this street is granite block. The principal defect in the railroad company's area consists of a heavy ridging in the middle of the space between the inner rails of the double track road in this street, evidently caused by the constant pressure of heavy truck wheels along each side of said space, the granite blocks being laid on sand and yielding to the heavy pressure of the wheels. The remedy for the defect complained of is a repaving with granite on concrete, and an order should issue directing the railroad company's area to be repaved in that manner.

5. Manhattan Avenue, between Driggs Avenue and Newtown Creek.

The pavement here is granite block. The city's portion of this pavement is in good condition. The defects in the railroad company's portion consist in part of deep ruts worn in the pavement next to the rails and on both the inner side and the outer side thereof, making the street dangerous for vehicular traffic. The pavement has also settled irregularly in places, and in some places has settled and loosened. In my opinion the railroad company's area should be repaved with granite on concrete in such manner as to do away with the ruts mentioned and to conform the entire surface of this area to the grade of the street.

6. Driggs Avenue, between South 4th Street and South 12th Street.

This avenue is paved entirely across with asphalt. The city's portion of this pavement is in good condition, while the railroad company's portion is badly out of repair by reason of holes in the asphalt and ruts worn along next to the rails. The condition of this area is particularly bad under the Williamsburg Bridge over this avenue. The order in this case should provide for the repair of the railroad company's portion of this pavement by the use of asphalt in such manner as to remove all holes and ruts in said pavement and render the surface of said pavement in proper and safe condition and in conformity to the grade of the street.

7. Marcy Avenue, between Flushing Avenue and Middleton Street.

The evidence in this case shows that the portion of Marcy Avenue complained of is paved throughout with small cobble, and that the portion thereof within the

area maintained by the railroad company is no worse than the portion maintained by the City. It appears from the testimony taken that the railroad company is willing to repave its area as soon as the city repaves the remainder of the street. In my opinion it would not be reasonable to require the railroad company to repave its area on this street until such time as the city shall repave its area. I am therefore of the opinion that the complaint in regard to this street should be dismissed.

Owing to the difficulty involved in making repairs and laying new pavements during the winter season it is my opinion that all orders issued in these matters directing pavements to be laid or repairs to be made should not require the work to be undertaken at once, but should require the same to be undertaken not later than the first day of April, 1908, and completed not later than the first day of May, 1908.

Let orders be prepared accordingly.

Dated March 6, 1908.

EDWARD M. BASSETT, Commissioner.

Commissioner Bassett then moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 316).

Bird S. Coler, President, Borough of
Brooklyn,

Complainant,

vs.

Nassau Electric Railroad Company,
Defendant.

Under Order for Hearing No. 189, dated
January 6th, 1908.

This matter coming on upon the report of the hearing had herein on January 21st, 1908, January 28th, 1908, and February 4th, 1908, and it appearing that the said hearing was held pursuant to Order No. 189 of this Commission, dated January 6th, 1908, and returnable on the 21st day of January, 1908, and that the said order was duly served upon said Nassau Electric Railroad Company on January 7th, 1908, and that the said hearing was held by and before the Commission on the matters embraced in the complaint and answer herein and in said order specified on January 21st, 1908, and by adjournment duly had on January 28th, 1908, and February 4th, 1908, before Mr. Commissioner Bassett, presiding, Harry M. Chamberlain, Esq., appearing for the Commission and George D. Yeomans, Esq., appearing for said railroad company, and proof having been taken upon said hearing and it being made to appear by the proceedings on said hearing that the said defendant has violated the law in failing to keep in proper repair the pavement between its tracks, the rails of its tracks and two feet in width outside of its tracks on Farragut Road or Avenue F, between East 26th Street and Ocean Avenue, in the Borough of Brooklyn, City and State of New York, and that said area in said streets between the points named is in need of repairs, and that it is reasonable that the said company be required to repave said area with granite blocks laid upon a concrete foundation,

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered (1). That said Nassau Electric Railroad Company be and it hereby is directed and required to repave said Farragut Road or Avenue F, between East 26th Street and Ocean Avenue, between its tracks and the rails of its tracks and two feet in width outside of its tracks, with granite blocks laid upon a concrete foundation, in a proper and suitable manner and in such manner that the area so paved will properly conform to the grade of the street.

(2). It is further Ordered: That the railroad tracks of said company laid in said street, wherever below the proper grade of said street be raised to the proper grade in such manner as to prevent the ponding of water and to permit proper drainage to the catch basins.

(3). It is further Ordered: That said Nassau Electric Railroad Company begin the repairs above mentioned not later than the 1st day of April, 1908, and complete the same not later than the 1st day of May, 1908, and thereafter keep and maintain said pavement in as good condition as when first completed. This order shall continue in force until such time as the Public Service Commission for the First District shall otherwise order.

(4). It is further Ordered: That said Nassau Electric Railroad Company notify the Public Service Commission for the First District within five (5) days after the service of this order whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(25)

O-317

Commissioner Bassett moved the adoption of the following dismissal order, which was duly seconded:

DISMISSAL ORDER (No. 317).

Bird S. Coler, President, Borough of
Brooklyn,

Complainant,

against

Nassau Electric Railroad Company, and
Brooklyn, Queens County and Suburban
Railroad Company,

Defendants.

Under Order for Hearing No. 191,
dated January 6th, 1908.

This matter coming on upon the report of the hearing had herein on January 21st, 1908, January 28th, 1908 and February 4th, 1908, and it appearing that said hearing was held pursuant to Order No. 191 of this Commission, dated January 6th, 1908, and returnable on the 21st day of January, 1908, and that said Order was duly served upon said Nassau Electric Railroad Company and said Brooklyn, Queens County and Suburban Railroad Company on January 7th, 1908, and that said hearing was held by and before

the Commission on the matters embraced in the complaint and answer herein and in said order specified on January 21st, 1908, and by adjournments duly had on January 28th, 1908, and February 4th, 1908, before Mr. Commissioner Bassett presiding, Harry M. Chamberlain, Esq., appearing for the Commission and George D. Yeomans, Esq., appearing for the railroad companies, and proof having been taken upon said hearing and it being made to appear by the proceedings on said hearing that the complainant herein seeks to compel the defendants to repave the area between the tracks, the rails of the tracks and two feet in width outside of the tracks of the street railroad lines on Marcy Avenue, between Flushing Avenue and Middleton Street, in the Borough of Brooklyn, City and State of New York, with granite blocks laid upon a concrete foundation; and it being made to appear by said proceedings that said street being the terminal above mentioned is paved entirely across with cobbles and that the portion thereof about which complaint is made, is substantially in no worse condition than the portion thereof outside of said area maintained by the Municipality, and that the Municipality gives no assurances as to when said portion maintained by it will be repaved; and that it would not be reasonable under these circumstances to require the defendants to repave at this time the area complained of with a better quality of material than that used by the Municipality,

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That this proceeding be and the same hereby is dismissed and that this order be filed in the office of the Commission.

Ayes—Commissioners McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(26)

O-318

Commissioner Bassett moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 318).

Bird S. Coler, President, Borough of
Brooklyn,

Complainant,
against

Brooklyn City Railroad Company, Brooklyn
Heights Railroad Company, and Nassau
Electric Railroad Company,
Defendants.

Under Order for Hearing No. 190, dated
January 6th, 1908.

This matter coming on upon the report of the hearing had herein on January 21st, 1908, January 28th, 1908, and February 4th, 1908, and it appearing that the said hearing was held pursuant to Order No. 190 of this Commission, dated January 6th, 1908, and returnable on the 21st day of January, 1908, and that said Order was duly served on said Brooklyn City Railroad Company, Brooklyn Heights Railroad

Company and Nassau Electric Railroad Company on the 7th day of January, 1908, and that the said hearing was held by and before the Commission on the matters embraced in the complaint and answer herein and in said order specified on January 21st, 1908, and by adjournments duly had on January 28th, 1908 and February 4th, 1908, before Mr. Commissioner Bassett presiding, Harry M. Chamberlain, Esq., appearing for the Commission and George D. Yeomans, Esq., appearing for said railroad companies, and proof having been taken upon said hearing and it being made to appear upon said hearing that said Nassau Electric Railroad Company has violated the law in failing to keep in proper repair the pavement between its tracks, the rails of its tracks and two feet in width outside of its tracks on Vanderbilt Avenue, between Park Avenue and Myrtle Avenue, in the Borough of Brooklyn, City and State of New York, and that said area in said streets between the points named is in need of repairs and that it is reasonable that said company be required to repave said area with granite blocks laid on a concrete foundation; and it being made to appear upon the said hearing that said Brooklyn City Railroad Company and said Brooklyn Heights Railroad Company have violated the law in failing to keep in proper repair the pavement between the tracks, the rails of the track and two feet in width outside of the tracks of the lines owned by said Brooklyn City Railroad Company and operated by said Brooklyn Heights Railroad Company on Nassau Avenue between Diamond St. and Morgan Ave., on Franklin Street between Kent Avenue and Commercial Street, on Manhattan Avenue between Driggs Avenue and Newtown Creek and on Driggs Avenue, between South Fourth Street and South Twelfth Street, all in the Borough of Brooklyn, City and State of New York; and that said areas in said streets between the points named are in need of repairs and that it is reasonable that said companies be required to repave said areas on said Nassau Avenue, Franklin Street and Manhattan Avenue, with granite blocks laid upon a concrete foundation; and that it is reasonable that said companies be required to repair the asphalt pavement on said area on Driggs Avenue by filling up all holes and ruts therein with asphalt so as to eliminate all such holes and ruts and to cause said pavement to present an even surface and to conform in all respects to the proper grade of the street.

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered: (1) that said Nassau Electric Railroad Company be and it hereby is directed and required to repave said Vanderbilt Avenue between Park Avenue and Myrtle Avenue, between its tracks the rails of its tracks and two feet in width outside of its tracks, with granite blocks laid upon a concrete foundation, in a proper and suitable manner and in such manner that the area so paved will properly conform to the grade of said street.

(2) That said Brooklyn City Railroad Company and said Brooklyn Heights Railroad Company be and they hereby are directed and required to repave said Nassau Avenue between Diamond Street and Morgan Avenue, said Franklin Street between Kent Avenue and Commercial Street, and said Manhattan Avenue, between

Driggs Avenue and Newtown Creek, between the tracks, the rails of the tracks and two feet in width outside of the tracks, of said lines of railroad on said streets with granite blocks laid upon a concrete foundation, in a proper and suitable manner and in such manner that each area so paved will properly conform to the grade of the street in which the pavement is laid.

(3) That said Brooklyn City Railroad Company and said Brooklyn Heights Railroad Company be and they hereby are directed and required to make suitable and adequate repairs to the asphalt pavement between the tracks, the rails of the tracks and two feet in width outside of the tracks on said line of railroad on Driggs Avenue between South Fourth and South Twelfth Streets, in the Borough of Brooklyn, City and State of New York, in such manner that all ruts and holes of every kind in said pavement shall be eliminated and that said pavement shall present an even surface and properly conform to the grade of the street.

(4) It is further ordered: that said Nassau Electric Railroad Company, said Brooklyn City Railroad Company and said Brooklyn Heights Railroad Company begin the repairs above mentioned not later than the 1st day of April, 1908, and complete the same not later than the 1st day of May, 1908, and thereafter keep and maintain the said pavement in the same condition as when first completed. This order shall continue in force until such time as the Public Service Commission for the First District shall otherwise order.

(5) It is further ordered: that said Brooklyn City Railroad Company, said Brooklyn Heights Railroad Company and said Nassau Electric Railroad Company notify the Public Service Commission for the First District within five (5) days after the service of this order whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, MARCH 10, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

Chairman Willcox and Commissioner McCarroll were temporarily excused because of absence on business of the Commission, and on motion, duly seconded, Commissioner Bassett was elected Acting Chairman.

(2)

On motion, the record of the proceedings of the Commission for Friday, February 21, and Tuesday, February 25, 1908, as printed in the CITY RECORD of March 4, 1908, was approved.

On motion, the record of the proceedings of the Commission for February 28, 1908, as printed in the CITY RECORD of March 4, 1908, was corrected so as to insert the word "agreement" in the place of "deed" in the first line of the resolution in Item No. 12 thereof, and in Item No. 9, Order No. 291, the items of expense of the stairways and kiosks at 137th and 145th Streets were reversed, and as so corrected, the record was approved.

On motion, the record of the proceedings of the Commission for Tuesday, March 3, 1908, as printed in the CITY RECORD for March 6, 1908; and for Wednesday, March 4, and Friday, March 6, 1908, as printed in the CITY RECORD of March 10, 1908, was approved.

(3)

2092

The Secretary presented a communication from the Chief Engineer, with regard to changes of street grades, Brooklyn Loop Lines, and transmitting plans thereof, and on motion, duly seconded, the plans were ordered transmitted to the Board of

(18)

Estimate and Apportionment, with a request for the authorization of such changes. The communication was as follows:

March 6, 1908.

Changes of Street Grades, Brooklyn Loop Lines.

The Honorable WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—I hand you herewith drawing in triplicate entitled—Plan and profile showing change of grade of Centre Street from Franklin Street to Canal Street; White Street from Lafayette Street to Baxter Street; Walker Street from Lafayette Street to Baxter Street, in the 6th Ward, Borough of Manhattan, City of New York; and also drawing in triplicate entitled—Plan and profile showing change of grade of Centre Street from Duane Street to Worth Street; Pearl Street from Park Street to Lafayette Street, in the 6th Ward, Borough of Manhattan, City of New York.

A change of grade of Centre Street was authorized by the Board of Estimate and Apportionment on December 6, 1907, at the request of this Commission.

The changes of street grades proposed and shown on the enclosed drawings are made necessary on account of changing the design of the subway loop line on Centre Street, for which the modified contracts have lately been signed by the Contractors. I would suggest that these plans be transmitted to the Board of Estimate and Apportionment with a formal request that the changes indicated be authorized.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

(4)

2063

The Secretary presented the following notice of deposit from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which was ordered filed:

DEAR SIR—I beg to advise you that on March 2nd, 1908, the sum of Thirty Thousand, Six Hundred and Nineteen and 12/100 Dollars (\$30,619.12) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan (Sub-Title No. 3). Authorized June 21st, 1907, pursuant to the provisions of Section 37 Chapter 4, Laws of 1891.

Principal	\$30,000 00
Premium	619 12

(5)

3200

The Secretary presented the following opinion of the Counsel to the Commission in relation to an adjustment of the claims of the property owners for damages to property on Park Avenue:

March 5, 1908.

Public Service Commission for the First District:

SIRS—I have the Secretary's letter of the 18th ult., transmitting a copy of a communication dated the 14th ult., from the Corporation Counsel, in relation to an

adjustment of the claims of the property owners for damages to property on Park avenue, and which, as the Commission knows, the Appellate Division has required to be paid as a condition precedent to its validation of the deviation in the line in the easterly tunnel section in Park avenue, and in accordance with the request of the Commission I transmit herewith proposed resolutions approving the adjustment on the lines informally agreed upon by the Corporation Counsel with the Interborough Rapid Transit Company and the property owners.

A very complete report of the Park avenue litigation is contained in the report of Counsel to the Rapid Transit Board of April 15, 1907, printed at page 4833 of Volume 8 of the Minutes. Since that time, and in accordance with the directions of the Rapid Transit Board, the city and the contractors have been brought in as parties to the proceeding, but no other action has been taken by the Court. There is a motion pending in the Appellate Division to deny the motion to confirm the report of the Commissioners, thus defeating the proceedings taken to validate the deviation, but this motion has not been pressed, and during its pendency the Corporation Counsel has been engaged in negotiating with the parties interested to settle the claims. The Court has refused to validate this route until the damages sustained by the property owners have been paid, and since the failure of the proceedings in the Appellate Division would result in the section of the Rapid Transit Railroad in Park Avenue being declared illegal, and lay the city open to attempts to enjoin the operation of the subway, it is important that this litigation be terminated, and the complete rights of the city established as soon as possible. For this reason, I think the adjustment proposed by the Corporation Counsel is wise and affords a solution of this entire matter most favorable to the city. I am, however, compelled to disagree with the statement of the Corporation Counsel that "There is no question whatever that the city is not legally liable for the consequences of the unauthorized acts of the Rapid Transit Commissioners their agents, their contractors or sub-contractors." If that should be so, any adjustment made by the city would be open to serious attack, but my reasons for advising this adjustment rest very largely upon my opinion that the question of the city's liability is at the best a very close one, and that if this litigation were continued there is a strong possibility that the city might be held liable for the payment of the entire damages.

The preparation and execution of the papers to effectuate this statement will involve considerable detail, and will probably take some time. I have already informally discussed the matter with the Corporation Counsel, and will proceed in conjunction with him in taking the necessary steps in the preparation of the necessary papers and will submit them to the Commission when prepared. I think a letter might properly be sent to the Corporation Counsel, advising him of the action of the Commission and stating that I will take the matter up with him.

Respectfully yours,

(Signed)

GEO. S. COLEMAN,
Counsel to the Commission.

It was thereupon moved and duly seconded that the following resolutions be adopted:

Whereas, The Commission is in receipt of a communication from the Corporation Counsel, dated February 14th last, advising the settlement of the claims found by Hon. Alton B. Parker, as Referee in the reference ordered by the Appellate Division to determine the damages sustained by abutting property owners by reason of the deviation in the location of the easterly tunnel section in Park avenue upon the basis of the City paying the damages amounting to One Hundred and Ninety-nine Thousand Six Hundred and Thirty and 18/100 Dollars (\$199,630.18), with costs and allowances found to be due by the said Referee, and the Interborough Rapid Transit Company will agree to treat this payment as part of the cost of constructing the Subway and will pay the rental thereon stipulated in the contract of 21st February, 1900, between the City and John B. McDonald, the property owners to agree to accept payment in four per cent (4%) bonds of The City of New York, which shall be held by them for six months before being disposed of, and that upon receipt of these bonds the property owners will consent to the validation of the route; and

Whereas, The Counsel to the commission has advised the adjustment of this litigation upon the basis suggested, and such adjustment being in the opinion of the Commission proper and for the best interest of The City of New York;

Now therefore, be it Resolved, That the Commission approve the settlement of this litigation upon the basis suggested in the said letter of the Corporation Counsel, and that the Counsel to the Commission be authorized and requested, in conjunction with the Corporation Counsel, to prepare the necessary papers to carry such adjustment into effect, and when prepared to submit the papers to the Commission.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(6)

2642, 3242

On motion, duly seconded, it was

Resolved, That the following appointments be terminated:

Name.	Position.	To Take Effect.
Alonzo S. Wattson.....	Electrical Engineer (provisional).....	March 10, 1908
Francis N. Koziell.....	Electrical Engineer (provisional).....	March 10, 1908
Clifton W. Wilder.....	Electrical Engineer (provisional).....	March 10, 1908
John H. Barnard.....	Electrical Engineer (provisional).....	March 10, 1908
Randolph H. Nexsen.....	Electrical Engineer (provisional).....	March 10, 1908

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(7)

3302

The Secretary presented the following resolutions adopted by the Board of Aldermen on March 3, 1908, and transmitted to the Commission, which were referred to Commissioner Bassett:

Whereas, The abrupt turn of the Graham Avenue line of cars at Flushing and Graham Avenues across Broadway, in the Borough of Brooklyn, a heavily congested section, makes travel there dangerous, and should be regulated; and

Whereas, It appears that a loss of life will soon occur unless a man is stationed there, preferably a number of men, or other means adopted whereby the cars are required to make additional stops in order to safeguard people using the several crossings; therefore

Resolved, That the Public Service Commission for the First District be and hereby is requested to investigate the conditions surrounding this traffic point, with a view to requiring the Brooklyn Rapid Transit Company to adopt some plan to relieve what is deemed a dangerous situation.

(8)

O-254

The Secretary presented the following resolution, adopted by the Board of Aldermen on March 3, 1908, and transmitted to the Commission, which was referred to Commissioner Eustis, who had charge of the hearings already ordered on this proposed improvement:

Resolved, That the Public Service Commission be and hereby is urged to direct the erection of a new station on the elevated railroad at Ninety-ninth Street and Columbus Avenue, in the Borough of Manhattan, for the following reasons:

First—Since the operation of this road this section of the city has rapidly built up, and to-day is one of the most thickly populated along the line of this road.

Second—The nearest station on either side of this point is at Ninety-third Street and One Hundred and Fourth Street, respectively, an unreasonable distance to ask people to travel for transit accommodation.

Third—The people in this section, not alone on the avenue of travel, but in the various side streets, should not, either in inclement or other weather, be required to travel the unreasonable distances to the several existing stations.

Fourth—No other two stations on the line of this road with one-half the population are so far apart, and therefore of right the people demand a new station at the point named.

(9)

3215

The Secretary presented the following memorandum prepared by the Counsel to the Commission, with regard to the Bill of Hon. C. F. Foley, described as Assembly Bill No. 531, Introduction No. 498, being an Act to amend Section 91 of the Railroad Law in relation to the consents of authorities:

In the Matter
of the
Hearing before the Committee on Rail-
roads in respect of Assembly Bill Printed
No. 531, Introduction No. 498, introduced
by Hon. C. F. Foley, proposing to amend
Section 91 of the Railroad Act.

MEMORANDUM BY THE PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

This Bill proposes to add to Section 91 of the Railroad Law, which provides for obtaining the requisite consents under the Constitution of property owners for the construction and operation of a street surface railroad, new matter which makes it mandatory upon the Public Service Commission, when the consents secured have been
• filed with the Commission and all necessary preliminary steps have been in fact complied with, to grant the certificate mentioned in Section 59 of the Railroad Law.

The Public Service Commission for the First District, being itself an instrumentality of the Legislature, and charged with the execution of such powers as the Legislature shall see fit to confer upon it and change from time to time, may without impropriety endeavor to make clear the effect of proposed legislation, and with this end in view submits a memorandum upon the present Bill.

Section 59 of the Railroad Law provides in substance that no railroad corporation, and this includes a street surface railroad, shall exercise powers conferred upon it by law or begin the construction of its road until the directors shall have advertised its articles and filed proof thereof, and the Board of Railroad Commissioners shall so certify and shall also certify that public convenience and a necessity require the construction of said railroad as proposed in the Articles of Association. The section also provides that if the certificate be refused by the Railroad Commissioners, resort may be had to the General Term of the Supreme Court, which may, in its discretion, order the Board of Railroad Commissioners to issue such certificate.

It will be observed that under this section, the granting or refusal of any such certificate is within the discretion of the Railroad Commission, subject to review by the General Term, and on comparing it with the proposed Act it is observed that the effect of the latter is to take away any discretion from the Commission and compel the granting of the certificate when preliminary requirements have been complied with.

The discretion of deciding as to whether public convenience and a necessity require the construction of a railroad has been for fifteen years vested under section 59 of the Railroad Law in the Railroad Commission, and the exercise of such discretion in a board or commission similar to the Railroad Commission has been again approved at the last session of the Legislature in the enactment of Chapter 429 of the Laws of 1907, known as the Public Service Commissions Law, which transferred such powers as had existed previously in the Board of Railroad Commissioners to the Public Service Commissions, and replaced or supplemented such previously existing powers of the Railroad Commissioners by far more extended powers under Sections 53 and

68 of the Public Service Commissions Law, requiring a similar permission and order by the Commission to be granted in its discretion not only before a railroad corporation, but any common carrier, gas corporation or electrical corporation shall exercise any franchise or right under any franchise, and also required in addition the approval of the Commission to issues of stock, bonds and evidences of indebtedness by corporations, to the purchase or holding of stock of corporations and to the transfer of their franchises.

Respectfully submitted,

THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

Chairman.

Dated, New York City, March 10, 1908.

On motion, the memorandum was ordered sent to the Assembly Committee on Railroads.

(10)

Req.

The Secretary presented the following communication from the Chief Engineer, with reference to tree planting and the restoration of parkways on Broadway, north of 59th Street, which was referred to the Committee of the Whole:

March 2nd, 1908.

The Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—In reference to tree planting and the restoration of parkways on Broadway north of 59th Street, which has been made a subject of inquiry by Frances Peters, Chairman of the Committee on Parks, of the Riverside Branch of the Women's Municipal League, I beg to report as follows:

The contract with John B. McDonald of February 21, 1900, provides as follows:

(Page 71 of Specifications)—“For every tree removed or killed, the Contractor shall set out a new thrifty tree of similar kind of a height not less than fifteen (15) feet, and of a diameter not less than three and one-half (3½) inches in such a position as the superintendent of public parks shall indicate. All roads, crosspaths, grassplots, shrubbery and other plants removed or affected by the construction of the railroad, shall be restored as soon as possible to as good a condition as existed before commencing operations.”

(Page 74)—“Along the Boulevard, where in the course of the work it is necessary to destroy the trees in the parkways, the Contractor shall set out if required, wherever there exists four (4) feet or more of top filling over the roof of the tunnel, an equal number of new trees of the same kind not less than fifteen (15) feet in height and with a diameter not less than three and one-half (3½) inches. These trees are to be bedded in good soil to be approved by the Engineer. * * * *”

It is clear from the above that the Contractor should not only replant the trees, but should also restore the shrubbery.

Early in 1902, on the completion of certain portions of the subway, tree planting was begun. One hundred and fifty trees had been brought from abroad, as it appears from correspondence on the files that some doubts existed as to the possibility of finding suitable trees at home. However, 80 of the imported trees were planted, 70 or 71 of which failed to live.

Since the planting and failure of these trees, voluminous correspondence on the files in this office shows that constant efforts have been made to have the contractors complete their work.

In reviewing this correspondence it also appears that for a time there was some excuse for the delay on the part of the contractors. Complaints and suggestions were received from individuals and associations, and it was at one time considered that it might be best only to plant shrubs and omit the trees. (See copies of letters—Mr. R. D. Kohn to Mr. Wm. Barclay Parsons September 28, 1903, and Mr. Parsons' reply of September 29, 1903, enclosed herewith.) These suggestions, however, were finally brushed aside, and in March 1904 the contractor was directed to proceed with the work. Orders were again issued in March, 1905, and on March 10, 1905, a list of trees to be planted was furnished the contractor. After further correspondence, on April 25 specific orders were again given to proceed with the work, and in this letter attention was also called to the necessity of replacing the shrubbery. But nothing was done.

Under date of May 3, 1905, a letter offering some suggestions in regard to tree planting was received from Mr. Datus C. Smith, Secretary, Tree Planting Association of New York City, a copy of which is also enclosed.

A copy of this letter was sent to Mr. S. L. F. Deyo, Chief Engineer for the Contractors, with a letter of Acting Chief Engineer Mr. Rice on May 6, as per copy enclosed.

On account of this letter from Mr. Smith and several others that had been received by the Rapid Transit Board, the Chief Engineer of the Board was called upon for a report, and a full report on the subject was made by Mr. Rice on May 6, 1905. (Copy inclosed.)

Mr. Deyo, in reply to the letter of Mr. Rice above referred to, enclosed a copy of a letter he sent to the sub-contractors instructing them to proceed with the work of planting trees and shrubbery: still nothing was done.

On November 10, 1905, and again on January 24, 1906, Mr. Rice wrote to Chief Engineer Pegram, calling his attention to the tree planting situation, and requesting to be informed as to "what is being done in the matter." No definite reply was received, and on March 7, 1906, Mr. Rice again wrote to Mr. Pegram, and again on March 26. Following this last letter arrangements were made to the effect that in April, 1906, seventy trees were planted, replacing those that died in 1902; this, however, covered but a small part of the work.

Complaints continued to come in concerning the parkways, and on June 21, 1906, Mr. Rice reported to the Board generally regarding parkways, and as there seemed to be some question of jurisdiction and some questions being raised that appeared to have a legal aspect, Mr. Rice suggested that the matter might properly be submitted to Counsel for advice. A copy of this report is herewith enclosed, also a copy of the opinion of Counsel Mr. G. L. Rives of Boardman, Platt & Soley. While this opinion does not refer particularly to the tree question, I have thought it well to bring it to your attention as covering the general aspects regarding parkways on Broadway.

Mr. Rice again took the matter up with the contractors, and on August 29, 1906, January 12, 1907, and March 27, 1907, he wrote to Mr. Pegram urging the necessity of proceeding with the tree planting. As a result of this further correspondence another lot of trees were planted in April and May, 1907, leaving, however, a large number still to be planted.

Since the Spring of 1907 the contractors were again urged to proceed with the work, and on February 4, 1908, Mr. Rice called my attention to the matter, and I wrote to Mr. Pegram for an explanation; in reply Mr. Pegram stated that there were only 14 trees remaining to be planted and that they would be attended to this Spring. This letter of Mr. Pegram's indicated a misunderstanding of the real situation, and I caused to be made a thorough investigation of the whole subject. This was done, and I enclose a copy of my letter to Mr. Pegram of February 26, which reviews the matter in detail, showing what was done and what remains to be done. Accompanying this letter were maps covering the entire field, copies of which are on file and are at your disposal should you desire to see them.

From the above it is very evident that many efforts have been made to have this work properly completed, but without satisfactory results, and I am still awaiting a reply from Mr. Pegram to my letter of February 26.

I am sending you copies of some of the correspondence in reference to this matter, but the files, as to tree planting are at your disposal and you may be interested in looking them over.

The subject has been an annoying one from every point of view. You will see that there still remains a considerable number of trees, as well as the shrubbery, to be planted.

You can readily understand that it is a very delicate matter to handle, especially regarding the planting of shrubbery. While the trees require a great deal of attention for some time after being planted, shrubbery requires considerable more attention, and it is a question as to how long we could require the contractors to maintain the trees and shrubbery when planted.

It occurs to me that possibly some arrangements might be made, through this Commission, between the contractors and the park authorities, or between the contractors and some association that is interested, by which a certain sum of money could be set aside for this work and be turned over either to the Park Department or to an association that would properly attend to the matter and make a success of it.

If the Park Department and the contractors could get together and agree upon some amount that would cover the cost of planting and maintenance, the contractors might pay over this amount of money, and the contractors could then be reimbursed by the Public Service Commission out of such moneys that may be due on the regular contract.

Of course, I shall insist upon the contractor proceeding immediately with the work, but do not feel sure that the planting of the trees and shrubbery will eventually prove a success.

I will add that the planting by the contractor was done through a sub-contract with a Mr. Gifford who is an expert in such matters, and the trees so far planted seemed, last summer, to be thriving, and I have no doubt most of them will be all right. This party guaranteed the trees for a year, and if any failed, they are to be replaced this coming Spring; whether they can be replaced under a further guarantee I cannot say.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

Copies of letters enclosed:

Letter from Mr. Parsons to Mr. Willcox July 30, 1903.

Letter from Mr. Parsons to Mr. Willcox September 9, 1903.

Letter from Mr. Willcox to Mr. Parsons September 23, 1903.

Letter from Mr. Parsons to Mr. Cantor September 24, 1903.

Letter from Mr. R. D. Kohn to Mr. Wm. Barclay Parsons September 28, 1903.

Letter from Mr. Parsons to Mr. Kohn September 29, 1903.

Letter from Mr. Cantor, (through Mr. Livingston) to Mr. Parsons October 5, 1903.

Letter from Mr. D. C. Smith to Mr. Rice May 3, 1905.

Letter from Mr. Rice to Mr. S. L. F. Deyo May 6, 1905.

Letter from Mr. Rice to Rapid Transit Board May 6, 1905.

Letter from Mr. Rice to Rapid Transit Board June 21, 1906.

Letter from Mr. G. L. Rives, Counsel, to President Orr July 2, 1906.

Letter from Mr. Seaman to Mr. Pegram February 26, 1908, with tabulation attached.

(11)

2091

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer approving same, and Voucher No. 000823, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY,
OFFICE OF THE CONTRACTOR, 68TH ST. & NORTH RIVER, }
New York, March 4th, 1908.

Requisition No. 6—For work done and materials furnished under contract dated June 27th, 1907, for the construction of section No. 9-0-1 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 29th day of February,

	For Month.	Total.
Total to date relative to the contract value of the whole work....	\$20,993 00	\$157,166 00
Amount previously estimated.....	.....	136,173 00
Amount of present estimate.....	20,993 00	20,993 00
Deduct 10%.....	2,099 30	2,099 30
Requisition for amount due for work done and materials furnished during the month.....	18,893 70	18,893 70

BRADLEY CONTRACTING COMPANY,

by FRANK BRADLEY, Contractor.

per H.

Certificate No. 6—I hereby certify that the work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-1 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 6 of date March 4th, 1908 is made by the Bradley Contracting Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Eighteen Thousand, Eight Hundred and Ninety-Three Dollars and Seventy cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 6, and dated March 4, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-1 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 29th day of February, 1908, amounting to (\$18,893.70) eighteen thousand, eight hundred and ninety-three dollars and seventy cents, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition, and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(12)

2094

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer approving same, and Voucher No. 000824, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY,
OFFICE OF THE CONTRACTOR, 68TH ST. & NORTH RIVER, }
NEW YORK, March 4th, 1908.

Requisition No. 7—For work done and materials furnished under contract dated June 27th, 1907, for the construction of section No. 9-0-4 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 29th day of February,

	For Month.	Total.
Total to date relative to the contract value of the whole work....	\$12,811 50	\$85,361 25
Amount previously estimated.....	.....	72,549 75
Amount of present estimate.....	12,811 50	12,811 50
Deduct 10%.....	1,281 15	1,281 15
Requisition for amount due for work done and materials furnished during the month.....	11,530 35	11,530 35

BRADLEY CONTRACTING COMPANY,
by FRANK BRADLEY, Pres., Contractor.

Certificate No. 7—I hereby certify that the work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-4 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 7 of date March 4th, 1908 is made by the Bradley Contracting Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Eleven Thousand, Five hundred and thirty dollars and thirty-five cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 7, and dated March 4, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-4 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 29th day of February, 1908, amounting to (\$11,530.35) eleven thousand, five hundred and thirty dollars and thirty-five cents, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition, and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(13)

2095

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer approving same, and Voucher No. 000825, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY,
OFFICE OF THE CONTRACTOR, 68TH ST. & NORTH RIVER, }
NEW YORK, March 4th, 1908.

Requisition No. 8—For work done and materials furnished under contract dated June 27th, 1907, for the construction of section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 29 day of February:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$43,613 00	\$264,694 25
Amount previously estimated.....	.....	221,081 25
Amount of present estimate.....	43,613 00	43,613 00
Deduct 10%.....	4,361 30	4,361 30
Requisition for amount due for work done and materials furnished during the month.....	39,251 70	39,251 70

BRADLEY CONTRACTING COMPANY,

By FRANK BRADLEY, Pres.,

Contractor.

Certificate No. 8—I hereby certify that the work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 8 of date March 4th, 1908 is made by the Bradley Contracting Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Thirty-nine Thousand, Two Hundred and Fifty-one Dollars

and Seventy cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer for the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 8, and dated March 4, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 29th day of February, 1908, amounting to (\$39,251.70) thirty-nine thousand, two hundred and fifty-one dollars and seventy cents, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition, and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(14)

O-321

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 321).

In the Matter
of

The hearing upon the motion of the Commission on the question of improvements in and additions to the service of the New York and Queens County Railroad Company.

"Service on Calvary Cemetery surface line, in Queens."

It is hereby

Ordered, That a hearing be had on the 24th day of March, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the Rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations practices, equipment, appliances or service of the New York and Queens County Railroad Company, in respect to transportation of persons in the State of New York, are unreasonable, improper or inadequate, and whether changes, improvements and additions thereto

ought reasonably to be made in the manner below set forth, in order to promote the security and convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether a change, addition and improvement in regulations, practices, equipment, appliances and service of the said company, as hereinafter set forth, are such as may be just, reasonable, adequate and proper and ought reasonably to be made to accommodate the passenger traffic offered to it and to promote the convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, that is to say:

Whether the following changes, additions and regulations should be put into effect:

(1) That the service west-bound leaving Metropolitan Avenue to Long Island Ferry between 6:50 and 7:50 A. M. be increased by two cars, or by an increase from six to eight cars;

(2) That the service east-bound leaving Long Island Ferry to Metropolitan Avenue between 5:20 and 6:20 P. M. be increased by two cars, or by an increase from six to eight cars;

(3) That the headway on cars leaving Long Island Ferry to Metropolitan Avenue and returning between 7:10 and 11:10 P. M. be diminished from thirty to twenty minutes, or the service be increased by four cars, or the service be increased from nine to thirteen cars;

(4) Leaving the Long Island Ferry to Metropolitan Avenue and returning between 1 and 5 A. M., that a car be run every hour connecting with the ferry boats from 34th St., Manhattan, such service representing a total increase of four cars;

(5) That said Company provide and display on each car a destination sign, which shall state clearly the destination of the car.

And if any such regulations, changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine the details of such changes, improvements and additions and to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further order, That the said New York and Queens County Railroad Company, be given at least ten (10) days' notice of such hearing, by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity of presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(15)

O-322

The Secretary presented the following order :

COMPLAINT ORDER (No. 322).

William Klein,
Complainant,
against
Long Island Railroad Company,
Defendant.

The order of the Commission, being Order No. 322, for satisfaction or answer within ten (10) days, as to the lack of gates at the 22d Street crossing, College Point, was approved, confirmed and ordered filed in the office of the Commission.

(16)

O-323

The Secretary presented the following order :

COMPLAINT ORDER (No. 323).

William Henderson and One Hundred
and Fifty Others,
Complainants,
against
Union Railway Company,
Defendant.

The order of the Commission, being Order No. 323, for satisfaction or answer within ten (10) days, as to inadequate service on Fort Schuyler Road, Westchester Village to the Eastern Boulevard, was approved, confirmed and ordered filed in the office of the Commission.

(17)

O-324

The Secretary presented the following order :

COMPLAINT ORDER (No. 324).

John R. Davies,
Complainant,
against
New York Central and Hudson River
Railroad Company,
Defendant.

The order of the Commission, being Order No. 324, for satisfaction or answer within ten (10) days, as to the smoke nuisance at 137th Street and Riverside Drive, was approved, confirmed and ordered filed in the office of the Commission.

(18)

C-1106

The Secretary presented the following communication from the Interborough Rapid Transit Company, with reference to stairway facilities at the Houston Street station of the Third Avenue elevated line, which was referred to the Counsel to the Commission :

INTERBOROUGH RAPID TRANSIT COMPANY, }
 No. 13-21 PARK ROW,
 New York, March 4th, 1908. }

Mr. TRAVIS H. WHITNEY, *Secretary, Public Service Commission*, 154 Nassau Street,
 City:

DEAR SIR—Replying to your letter of February 28th, in relation to complaint of one Thomas E. Sturgeon in connection with the stairway facilities at Houston Street, downtrack, Third Avenue line. A condemnation proceeding by the Manhattan Railway Company against John Jacob Astor and others was begun by filing a petition on October 8th, 1907. The defendants answered the petition denying our right to condemn the stairway easements. On the trial of that issue Judge Newberger decided in favor of the Company, and on January 2nd, 1908, an interlocutory judgment was entered granting the Company the right to condemn said easements. The defendants have appealed to the Appellate Division from that judgment and the argument on that appeal will in all probability be brought on at the April Term.

Until the appeal is decided, the matter of appraising the stairway easements, of course, will be in abeyance.

Yours truly,

(Signed) E. P. BRYAN, President.

(19)

O-296

The Secretary stated that a communication had been received from Brooklyn Union Elevated Railroad Company upon Final Order No. 296 in the matter of service on the Brighton Beach line, notifying the Commission that the terms of the Order were accepted and would be complied with. The answer was ordered filed.

(20)

O-308

The Secretary stated that a communication had been received from the New York City Interborough Railway Company upon Final Order No. 308 of the Commission, with regard to increase of service, 181st St. line to Bronx Park, and the opening of the new Tremont Avenue line, notifying the Commission that the terms of the order were accepted and would be complied with. The answer was ordered filed.

(21)

O-309

The Secretary stated that a communication had been received from the Coney Island and Brooklyn Railroad Company upon Final Order No. 309 of the Commission, with regard to the condition of rails, crossovers and turnouts, notifying the Commission that the terms of the Order were accepted and would be complied with. The answer was ordered filed.

(22)

O-325

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 325).

E. Alexander Williams & 199 others,
Complainants,
against
South Brooklyn Railway Company,
Defendant.

An order, No. 272, having been made herein on or about the 18th day of February, 1908, ordering and directing the South Brooklyn Railway Company to answer the complaint herein within the time therein specified, and the said South Brooklyn Railway Company having, on March 6th, 1908, applied in writing for an extension of such time,

Now, upon motion, it is

Ordered, That the time of the South Brooklyn Railway Company within which to answer said complaint be, and the same hereby is, extended to and including the 10th day of April, 1908.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

O-326

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 326).

In the Matter
of

The hearing upon motion of the Commission on the question of changes in the regulations, practices and service of the Brooklyn Heights Railroad Company.
"Cross-over switches on the Nostrand Avenue Line at Church avenue."

It is hereby

Ordered, That a hearing be had on the 23d day of March, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices, equipment, appliances or service of the Brooklyn Heights Railroad Company, in respect to transportation of persons in the State of New York, are unreasonable, improper or inadequate, and whether changes, improvements and additions thereto ought reasonably to be made in the manner below set forth, in order to promote the security and convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether a change, addition and improvement, in regulations, practices, equipment, ap-

phiances and service of the said company, as hereinafter set forth, are such as may be just, reasonable, adequate and proper and ought reasonably to be made to accommodate the passenger traffic offered to it and to promote the convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, that is to say:

Whether the following changes, additions and regulations should be put into effect:

(1) That the cars at present operated on the Nostrand Avenue line be run through to the southerly terminus of said line at Vanderveer Park, instead of some of them being turned back at Church avenue.

(2) That the cross-over switch located at Nostrand and Church Avenues on the Nostrand Avenue line be removed.

And if any such regulations, changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine the details of such changes, improvements, and additions and to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further ordered, That the said Brooklyn Heights Railroad Company be given at least ten (10) days notice of such hearing, by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

Acting Chairman Bassett stated that he would conduct the hearing.

(24)

O-327

The Secretary presented the following order:

COMPLAINT ORDER (No. 327).

Van Nest Property Owners' Association,
by Frank Huber, Secretary,

Complainant,

against

New York, New Haven and Hartford
Railroad Company,

Defendant.

The order of the Commission, being Order No. 327, for satisfaction or answer within ten (10) days, as to the use of soft coal, was approved, confirmed and ordered filed in the office of the Commission.

(25)

O-328

The Secretary presented the following order:

COMPLAINT ORDER (No. 328).

Jeremiah J. Coughlan,
Complainant,
against

Nassau Electric Railroad Company,
Defendant.

The order of the Commission, being Order No. 328, for satisfaction or answer within ten (10) days, as to the turnstile at the 16th Street Station of the Fifth Avenue Elevated Line, was approved, confirmed and ordered filed in the office of the Commission.

(26)

O-329

Commissioner Eustis moved the adoption of the following discontinuance order, which was duly seconded:

DISCONTINUANCE ORDER (No. 329).

William H. Ten Eyck,
Complainant,
against

Interborough Rapid Transit Company,
Defendant.

"Failure to run elevators at station at Mott Avenue and 149th Street after one A. M."

An order, No. 293, having been made herein on or about the 29th day of February, 1908, ordering and directing the Interborough Rapid Transit Company to answer complaint herein, within time therein specified, and the said Interborough Rapid Transit Company having, on March 6th, 1908, made answer thereto, from which it appears that the matters complained of in the said complaint above mentioned have been satisfied.

Now, upon motion made and duly seconded, it is

Resolved, That the proceedings herein be, and the same hereby are, discontinued.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(27)

O-330

The Secretary presented the following order:

COMPLAINT ORDER (No. 330).

Thirty-first Ward Board of Trade, by
James M. Conohan,
Complainant,
against
Sea Beach Railway Company,
Defendant.

The order of the Commission, being Order No. 330, for satisfaction or answer within ten (10) days, as to failure to stop New York trains at Luna Park station, was approved, confirmed and ordered filed in the office of the Commission.

(28)

O-331

The Secretary presented the following hearing order, and it was moved and duly seconded that the same be adopted by the Commission:

HEARING ORDER (No. 331).

In the matter
of the

Hearing upon motion of the Commission on the question of improvements in and additions to the service and equipment of the Nassau Electric Railroad Company in the particulars hereinbelow mentioned.

"Repairing of track on Bergen Street—Service on Bergen Street line and St. John's Place line."

It is hereby

Ordered, That a hearing be had on the 25th day of March, 1908, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices, equipment, appliances or service of the Nassau Electric Railroad Company, in respect to transportation of persons in the State of New York, are unreasonable, improper or inadequate, and whether changes, improvements and additions thereto ought reasonably to be made in the manner below set forth, in order to promote the security and convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether a change, addition and improvement in regulations, practices, equipment, appliances and service of said Company, as hereinafter set forth, are such as may be just, reasonable, adequate and proper and ought reasonably to be made to accommodate the passenger traffic offered to them and to promote the convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, that is to say:

I. Whether the following repairs of tracks should be made:

A. That the said Nassau Electric Railroad Company replace the broken inner rail of the east-bound track on Bergen Street about 150 feet west of Revere Place.

B. That said Company replace the broken inner rail of the west-bound track on Bergen Street about 50 feet east of Revere Place.

II. Whether the service of said Nassau Electric Railroad Company should be increased or supplemented at the points and times and in the particulars following:

A. BERGEN STREET SURFACE LINE.

West-bound, Woodhaven (Grant Ave.) to New York.

1. Leaving Woodhaven to New York, between 6:30 and 8 a. m., by an increase of five (5) cars or by an increase from sixteen to twenty-one cars (16 to 21), making a total service from 6 to 8 A. M. of twenty-seven (27) cars.

2. Leaving Albany Avenue Depot to New York between 6:00 and 7:00 A. M. by an increase of two (2) cars or by an increase of from five to seven (5 to 7) cars, making the total service between 6:00 and 8:30 A. M. twenty (20) cars.

3. Leaving Rockaway Avenue to Borough Hall between 6:45 and 8:15 A. M. by the operation of a new service of fifteen (15) cars from Borough Hall over the following route:

From Rockaway Avenue over the regular route of the Bergen Street line to Boerum Place and Atlantic Avenue, through Atlantic Avenue to Court Street, through Court Street to Joralemon Street, through Joralemon Street to Fulton Street, through Fulton Street to Boerum Place, and thence by the regular route returning to Rockaway Avenue.

East-bound, New York to Depot and Woodhaven.

4. Between 2:15 and 7 P. M. to continue the service now provided from New York to Woodhaven, of fifty-two (52) cars passing Livingston Street and Boerum Place, and from New York to Albany Avenue Depot of thirty-six (36) cars, passing Livingston Street and Boerum Place, except that between 2:15 and 5:15 P. M. all cars now running only to Albany Avenue Depot to be operated at least as far as Rockaway Avenue.

5. Leaving Borough Hall to Rockaway Avenue between 4:15 and 5:15 P. M., to provide a new service of six (6) cars to be operated upon the same route as that described in 3 above.

6. Between 5:15 and 6:45 P. M. from Borough Hall, to provide a new service of fifteen (15) cars to Rockaway Avenue to be operated over the new route as indicated in No. 3.

B. ST. JOHN'S PLACE LINE.

West-bound.

1. Leaving Buffalo Avenue between 6:45 and 9:15 A. M. by an increase of fifteen (15) cars, or by an increase from 23 to 38 cars to run at least as far east as City Hall.

2. Leaving Buffalo Avenue to New York, between 9:15 A. M. and 1:00 P. M., by an increase of ten (10) cars, or by an increase from 28 to 38 cars.

3. Leaving Buffalo Avenue to New York, between 1:00 P. M. and 3:00 P. M., by an increase of five (5) cars, or by an increase from 19 to 24 cars.

4. Leaving Buffalo Avenue between 7:20 and 7:50 P. M., by an increase of two (2) cars, or by an increase from 6 to 8 cars.

East-bound.

5. Leaving City Hall to Buffalo Avenue, between 2:30 and 4:00 P. M., by an increase of 3 cars, or by an increase from 15 to 18 cars.

6. Leaving City Hall to Buffalo Ave. between 4:00 and 5:00 P. M., by an increase of 6 cars, or by an increase from 10 to 16 cars.

7. Leaving City Hall to Buffalo Avenue, between 5:00 and 6:00 P. M., by an increase of 8 cars, or by an increase from 16 to 24 cars.

8. Leaving City Hall to Buffalo Avenue, between 6:00 and 6:30 P. M., by an increase of 4 cars, or by an increase from 12 to 16 cars.

9. Leaving City Hall to Buffalo Avenue, between 6:30 and 7:00 P. M., by an increase of 2 cars, or by an increase from 10 to 12 cars.

10. Leaving City Hall to Buffalo Ave., between 10:00 and 11:00 P. M., by an increase of two (2) cars, or by an increase from 6 to 8 cars.

11. All night service between Rockaway Ave. and New York. Leaving Rockaway Ave. to New York and return, every half hour, between 1:30 and 4:30 A. M., a total of 7 cars.

And if any such regulations, changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine the details of such changes, improvements and additions and to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further ordered, That the said Nassau Electric Railroad Company be given at least ten (10) days notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Acting Chairman designated Commissioner McCarroll to conduct the hearing.

(29)

O-332

Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 332).

In the Matter
of

The Hearing on the Motion of the Commission on the Question whether the Order heretofore made by the Commission on February 14, 1908, known as Order No. 260, directing the New York City Railway Company or Adrian H. Joline and Douglas Robinson, its Receivers, on and after February 15, 1908, to turn out not fewer than ten cars daily, not including Sundays and holidays, overhauled and repaired, as provided in said Order, should be modified in any respect, because of the destruction by fire of the car barn at Second Avenue and Ninety-sixth Street, together with its contents belonging to said company or its said receivers.

Whereas, A certain order was heretofore made by the Commission on February 14th, 1908, known as Order No. 260, directing the New York City Railway Company or Adrian H. Joline and Douglas Robinson, its Receivers, on and after February 15th, 1908, to turn out not fewer than ten cars daily, not including Sundays and holidays, overhauled and repaired, as provided in said order, and

Whereas, Said New York City Railway Company or its said Receivers thereafter and on February 20th, 1908, duly notified the Commission in writing that the terms of said order were accepted and would be obeyed, and

Whereas, Thereafter on March 2, 1908, the following communication was received by the Commission from said Receivers:

"Referring further to our letter to you under date of February 20th, acknowledgment whereof by you under date of February 29th, is this day received, we beg to advise you that our car barn at 2nd Ave. and 96th Street, with its contents, was destroyed by fire yesterday morning. So nearly as we can now estimate, about 340 cars were burned. The second and third floors of this building were practically entirely devoted to the electrical and mechanical work involved in compliance with your Order No. 260, and nearly all of the painting was also carried on at those shops.

"We are compelled to advise you that in view of this catastrophe it is entirely out of the question for us to continue our compliance with the requirements of Order No. 260, although we shall, of course, do all that is in our power with the resources at our command to rehabilitate our equipment as rapidly as possible. We will advise you from time to time as rehabilitated cars are ready for inspection."

Now therefore, it is

Ordered, That a hearing be held on the 14th day of March, 1908, at 10.30 o'clock in the forenoon or at any time or times to which the same may be adjourned, at the

rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether said Order No. 260 should be modified in any respect, and it is further

Ordered, That the New York City Railway Company or Adrian H. Joline and Douglas Robinson, its Receivers, be given at least three days notice of such hearing by service upon them, either personally or by mail, of a certified copy of this order and that at such hearing they be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Acting Chairman designated Commissioner Maltbie to conduct the hearing.

(30)

O-287

The Secretary presented a communication from F. W. Whitridge, Receiver of the Third Avenue Railroad Company, upon Order No. 287, as to the condition of surface cars on the East Side, and on motion, duly seconded, it was ordered that the letter be transmitted to the Board of Aldermen, upon whose complaint the order was issued. The communication was as follows:

THE THIRD AVENUE RAILROAD CO.,
65TH STREET AND THIRD AVENUE,
NEW YORK, March 6, 1908.

TRAVIS H. WHITNEY, *Esq.*, *Secretary, Public Service Commission*, 154 Nassau Street,
New York City.

DEAR SIR—Referring to your letter of the 25th, enclosing Order No. 287 and the Resolution of the Board of Aldermen, I have to say that, on the day complained of, there was snow on the ground and the floors of the cars were necessarily dirtied by the people entering. I have also to say that about a year ago, all of the cars of this road were, on the complaint of the Borough President, thoroughly overhauled and repaired and new carpets put on the seats. Each of these cars is cleaned every night, thoroughly washed every third day, and in addition washed with a solution of carbolic acid once a week. I have now ordered them to be washed daily and the strength of the carbolic solution to be doubled.

The cars are old and are being renewed as rapidly as possible, but, with the exception of the carpets on the seats, they are reported to be in as good condition as possible considering their age.

We have several cars now in the shops, the repairs or reconstruction of which are nearly finished, which will be in service within a week or two. If there is anything else we can do to improve the service, within our means, we shall be happy so to do.

Very respectfully yours,

(Signed) F. W. WHITRIDGE, Receiver.

(31)

3303

The Secretary presented a communication from John H. O'Brien, Commissioner of Water Supply, Gas and Electricity, transmitting the following letter from William C. Cozier, Deputy Commissioner of that Department, to the Brooklyn Rapid Transit system, which letters were ordered filed:

Feb. 28, 06.

Mr. J. P. CALDERWOOD, *General Manager Brooklyn Rapid Transit System.*

DEAR SIR—In January, 1906, the Brooklyn & Rockaway Beach Railroad Company made application for a permit to instal an overhead trolley system over the highways along its right of way between New Lots Road and Canarsie. Included in this application was an item of 3 No. 4/o wire, constituting a high tension transmission line to be operated at 6600 volts. This application was referred to the Commissioner of the Department, Mr. William B. Ellison, and with his approval a permit was issued authorizing the necessary electrical construction for the operation of the road, with the exception that the permit for the high tension transmission line was granted temporarily for a period of two years.

On June 18th next this temporary permit will expire and I hereby serve notice upon the Brooklyn & Rockaway Beach Railroad Company that no extension of time beyond that date will be granted, and that the Company must proceed at once to the adoption of other means of transmission of power.

A copy of this notice has been filed with the Public Service Commission.

Yours very truly,

(Signed) WILLIAM C. COZIER,
Deputy Commissioner, Borough of Brooklyn.

(32)

O-298

The Secretary presented a communication from Dr. George W. Brush, transmitting resolutions adopted by the Flatbush Taxpayers' Association, protesting against a return to the shuttle system of operation of the elevated trains on the Brooklyn Bridge, which was ordered filed.

(33)

1029

The Secretary presented a communication from John L. Heaton, transmitting the sentiment of the Prospect Park South Association against changing the method of handling passengers at the Manhattan end of the Brooklyn Bridge to the former shuttle train system, which was ordered filed.

(34)

1029

The Secretary presented a communication from William E. Harmon, favoring a continuance of the present system of handling elevated trains on the Brooklyn Bridge, which was ordered filed.

(35)

1029

The Secretary presented a resolution from the Prospect Heights Citizens' Association, calling attention to the provision of the City Charter declaring the New York and Brooklyn Bridge "to be a public highway for the purpose of rendering travel between the Boroughs of Manhattan and Brooklyn certain and safe at all times;" and requesting the Commission to publish all facts concerning the traffic over the Bridge which are brought out in the inquiry by the Commission with regard to such traffic. The resolution was referred to the Committee of the Whole.

(36)

1029

The Secretary presented a communication from Davis S. White, regarding congestion on the Myrtle Avenue line from Sands Street station to Navy Street; advocating the construction of a double track elevated line from Myrtle Avenue through Hudson Avenue and Sands Street to the Sands Street station, for the use of the Lexington and Myrtle Avenue lines; and suggesting other additions to transit facilities in the neighborhood of the Brooklyn terminal of the Brooklyn Bridge. The letter was ordered filed.

Chairman Willcox and Commissioner McCarroll entered the meeting at this point.

(37)

2132

FOURTH AVENUE SUBWAY—FORM OF CONTRACT.

Counsel to the Commission presented forms of six contracts for the construction of the Fourth Avenue Subway from the Manhattan Bridge approach to 43rd Street in the Borough of Brooklyn.

The following resolution was moved:

Resolved, That the form of the proposed contracts for the construction of a rapid transit railroad in Fourth Avenue and other streets in the Borough of Brooklyn as follows:

"Flatbush Avenue Extension, Nassau to Willoughby Streets,
Flatbush Avenue Extension and Fulton Street, Willoughby Street to Ashland Place,
Ashland Place and Fourth Avenue, Fulton Street to Sackett Street,
Fourth Avenue, Sackett Street to Tenth Street,
Fourth Avenue, Tenth Street to 27th Street, and
Fourth Avenue, 27th Street to 43rd Street,"

now submitted, be and the same hereby are adopted subject to such changes, if any, as may be agreed upon between the Corporation Counsel and the Counsel to the Commission and approved by the Chairman, and that thereafter a communication be addressed to the Board of Estimate and Apportionment requesting the approval of the said Board to the form of the said contracts. And it is further

Resolved, That as soon as the said forms of contracts are completed, approved and consented to by the Board of Estimate and Apportionment and by the Corporation Counsel, and deposited in the office of the Secretary to the Commission, the Chairman of the Commission be and he hereby is authorized and directed to procure the invitation to contractors to be duly published in such newspapers as he may select, fixing such date for the opening of bids as he may deem proper.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(38)

2132

The Chief Engineer submitted to the Commission drawings for the proposed Fourth Avenue Line in Brooklyn, extending from the Manhattan Bridge approach to 43rd Street, in the Borough of Brooklyn.

The following resolution was moved:

Resolved, That the Commission hereby adopts the drawings now produced and designated as follows:

Manhattan Bridge No. 1. Flatbush Avenue Extension, Nassau Street to Willoughby Street—Two (2) drawings marked Route Manhattan Bridge Extension 1, Contract drawing Nos. A-1 and A-2; three (3) drawings marked Contract drawing Nos. B-101, B-104 and B-105; two (2) drawings marked Route M. B. Ex-1, Contract drawing Nos. B-1 and B-2; fifteen (15) drawings marked Contract drawing Nos. C-50 to C-63, both inclusive, and C-120; eight (8) drawings marked Contract drawing Nos. C-200 to C-205, both inclusive, and C-207 and C-208.

9-C-1. Flatbush Avenue Extension and Fulton Street, Willoughby Street to Ashland Place—One (1) drawing marked Route No. 9-C-1, Contract drawing No. A-3; three (3) drawings marked Contract drawing Nos. B-101, B-104 and B-105; two (2) drawings marked Route No. 9-C-1, Contract drawing Nos. B-3 and B-4; forty-five (45) drawings marked Contract drawing Nos. C-64 to C-99, both inclusive, No. C-209 and No. C-210, No. C-120 and Nos. C-200 to C-205, both inclusive.

11-E-1 and 11-A-1. Ashland Place and Fourth Avenue, Fulton Street to Sackett Street—Two (2) drawings marked Route Nos. 11-E-1 and 11-A-1, Contract drawing Nos. A-4 and A-5; three (3) drawings marked Contract drawing Nos. B-101, B-104 and B-105; and six (6) drawings marked Route Nos. 11-E-1 and 11-A-1, Contract drawing Nos. B-5 to B-10, both inclusive; twenty-one (21) drawings marked Contract drawing Nos. C-100 to C-120, both inclusive; nine (9) drawings marked Contract drawing Nos. C-200 to C-206, both inclusive, and C-211 and C-212.

11-A-2. Fourth Avenue, Sackett Street to 10th Street—Two (2) drawings marked Route No. 11-A-2, Contract drawing Nos. A-6 and A-7; three (3) drawings marked Contract drawing Nos. B-101, B-104 and B-105; three (3) drawings marked route No. 11-A-2, Contract drawing Nos. B-11, B-12 and B-13; eight (8) drawings marked

Contract drawing Nos. C-116, C-117, and C-120 to C-125, both inclusive; and eight (8) drawings marked Contract drawing Nos. C-200 to C-204, both inclusive, and C-206, C-213 and C-214.

11-A-3. Fourth Avenue, 10th Street to 27th Street—Two (2) drawings marked Route No. 11-A-3, Contract drawing Nos. A-8 and A-9; three (3) drawings marked Contract drawing Nos. B-101, B-104 and B-105; four (4) drawings marked Route No. 11-A-3, Contract drawing Nos. B-14, B-15, B-16 and B-17; six (6) drawings marked Contract drawing Nos. C-116, and C-120 to C-124, both inclusive; and eight (8) drawings marked Contract drawing Nos. C-200 to C-204, both inclusive, and C-206, C-213 and C-214.

11-A-4. Fourth Avenue, 27th Street to 43rd Street—Two (2) drawings marked Route No. 11-A-4, Contract drawing Nos. A-10 and A-11; three (3) drawings marked Contract drawing Nos. B-101, B-104 and B-105; three (3) drawings marked Route No. 11-A-4, Contract drawing Nos. B-18, B-19 and B-20; twenty-eight (28) drawings marked Contract drawing Nos. C-116, C-117, C-120, and C-126 to C-150, both inclusive; eight (8) drawings marked Contract drawing Nos. C-200 to C-204, both inclusive, and C-206, C-215 and C-216,

all as showing the detailed plans for the construction of the said road in accordance with the general plan of construction, including provisions for galleries, ways and subways or tunnels for gas or water pipes, electric wires and other subsurface structures and conductors proper to be placed underground, and that the said drawings be deemed to be incorporated in and to form a part of the contract adopted this day.

Resolved, That the Commission hereby adopts the drawings now produced, marked Supplementary Drawings, and designated as follows:

Manhattan Bridge No. 1. Flatbush Avenue Extension, Nassau Street to Willoughby Street—Drawing marked Route Manhattan Bridge Extension 1, and Nos. 9-C-1, 11-E-1 and 11-A-1, Supplementary Drawing No. D-99; four (4) drawings marked Route Manhattan Bridge Extension 1, Supplementary drawing Nos. D-109 to D-112, both inclusive.

9-C-1. Flatbush Avenue Extension and Fulton Street, Willoughby Street to Ashland Place—Three (3) drawings marked Route No. 9-C-1, Supplementary drawing Nos. D-1 to D-3, both inclusive; one (1) drawing marked Route M. B. Ex-1 and Nos. 9-C-1, 11-E-1 and 11-A-1, Supplementary drawing No. D-99; one (1) drawing marked Route Nos. 9-C-1, 11-E-1 and 11-A-1, Supplementary drawing No. D-4.

11-E-1 and 11-A-1. Ashland Place and Fourth Avenue, Fulton Street to Sackett Street—Two (2) drawings marked Route Nos. 9-C-1, 11-E-1 and 11-A-1, Supplementary drawing Nos. D-4 and D-99; five (5) drawings marked Route Nos. 11-E-1 and 11-A-1, Supplementary drawing Nos. D-5 to D-9, both inclusive; and two (2) drawings marked Route Nos. 11-E-1, 11-A-1 and 2, Supplementary drawing Nos. D-10 and D-100.

11-A-2. Fourth Avenue, Sackett Street to 10th Street—One (1) drawing marked Route Nos. 11-E-1, 11-A-1 and 2, Supplementary drawing No. D-10; also four (4) drawings marked Route No. 11-A-2, Supplementary drawing Nos. D-11 to D-14, both inclusive; one (1) drawing marked Route Nos. 11-A-2 and 3, Supplementary drawing No. D-15; one (1) drawing marked Route Nos. 11-E-1, 11-A-1 and 2, Supplementary drawing No. D-100; and one (1) drawing marked Route Nos. 11-A-2, 3 and 4, Supplementary drawing No. D-101.

11-A-3. Fourth Avenue, 10th Street to 27th Street—One (1) drawing marked Route Nos. 11-A-2 and 3, Supplementary drawing No. D-15; six (6) drawings marked Route No. 11-A-3, Supplementary drawing Nos. D-16 to D-21, both inclusive; one (1) drawing marked Route Nos. 11-A-3 and 4, Supplementary drawing No. D-22; and one (1) drawing marked Route Nos. 11-A-2, 3 and 4, Supplementary drawing No. D-101.

11-A-4. Fourth Avenue, 27th Street to 43rd Street—One (1) drawing marked Route Nos. 11-A-3 and 4, Supplementary drawing No. D-22; four (4) drawings marked Route No. 11-A-4; Supplementary drawing Nos. D-23 to D-26, both inclusive; two (2) drawings marked Route Nos. 11-A-4 and 5, Supplementary drawing Nos. D-27 and D-102; one (1) drawing marked Route Nos. 11-A-2, 3 and 4, Supplementary drawing No. D-101.

as exhibiting certain information which the Commission has received from its Chief Engineer in regard to the nature of the soil and the nature and position of various surface and subsurface structures, all of which are to be exhibited without any guaranty on the part of the Commission as to their completeness or correctness.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(39)

The Secretary presented the following vouchers, the bills of which have been duly approved by Commissioner Maltbie, as Committee on Audit for the month of March, whereupon, on motion duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of the City of New York for payment:

Voucher No.	In Favor of.	Services or Material.	Amount.
783	H. Anderson	Janitor service month Feb. bill Feb. 29, 1908.....	\$6 00
784	American Meter Co.....	Exhibition meter bill Feb. 27, 1908.....	15 00
794	E. J. Brooks & Co.....	Badge and repairs bill Feb. 17, 1908.....	15 85
795	William E. Davies.....	Appraisements of block fronts bill March 3, 1908..	250 00
796	Ditmars-Kendig Co.....	Carbon paper bill March 4, 1908.....	54 00
797	Emma Fitch	Rent of office 2630 B'dway month Mar., bill Mar. 2, 1908.....	83 33
798	Jesse D. Frost.....	Door mats bill Feb. 27, 1908.....	16 50

Voucher No.	In Favor of.	Services or Material.	Amount.
799	General Electric Co.....	Recording Wattmeter bill Feb. 27, 1908.....	19 70
800	Charles R. Hall.....	Professional services Dec. 26, 1907, to Jan. 17, 1908, bill March 3, 1908.....	300 00
801	William J. Hagenah.....	Professional services Jan. 28 to Mar. 2, 1908, bill Feb. 29, 1908.....	245 00
802	Initial Towel Supply Co....	Toilet service month Feb. bill March 1, 1908....	18 69
803	Keuffel & Esser Co.....	Engineering supplies bills Dec. 21, 1907; Jan. 23, 1908 (2); Feb. 4 (3), 5, 6 (2), 13, 15 (2), 18, 19, 24 (5), 1908.....	362 64
804	Lang Stamp Works.....	Official seal bill Feb. 7, 1908.....	25 00
805	Munson Supply Co.....	Typewriter supplies bill March 3, 1908.....	7 00
806	New York Telephone Co....	Telephone service bills Dec. 1, 1907; Jan. 1 (7), Feb. 1 (3), 1908.....	108 50
807	The New York & N. J. Telephone Co.....	Telephone service bill Jan. 31, 1908.....	33 28
808	William G. Pigueron.....	Rent Sewer Div. Office-Mon. March; bill Mar. 1, 1908	148 16
809	Pittsburgh & Allegheny Telephone Co.....	Telephone service; period Jan. 1 to Feb. 29, 1908, bill Feb. 13, 1908.....	7 50
810	C. H. Pepper.....	Linoleum bill Feb. 28, 1908.....	25 50
811	The J. W. Pratt Co.....	Stationery supplies bills Jan. 20, Feb. 5, 15 (2), 28, 1908	148 49
812	Patterson Brothers	Padlocks bill Feb. 25, 1908.....	6 00
813	The Penn Electric Co.....	Blue Prints bill Feb. 21, 1908.....	7 58
814	John Schroder	Janitor service, mon. Feb. bill March 2, 1908....	15 00
815	G. E. Stechert & Co.....	Books and periodicals bills Jan. 29 (2), Feb. 19, 1908	20 38
816	Edward Schmidt	Rubber bands, bill March 3, 1908.....	17 50
817	Tower Mfg. & Novelty Co..	Stationery supplies, bills Feb. 3, 6, 19, 1908....	66 14
818	United District Messenger Co.	Messenger service month Feb.; bill Mar. 2, 1908.	12 90
Total.....			<u>\$2,035 64</u>
819	George N. Young.....	Services as Clerk to Commissioners of Appraisal Easements under Joralemon St., Brooklyn, Oct. 1, 1907, to Jan. 31, 1908.....	<u>\$400 00</u>
820	Katherine V. Curry.....	Services as stenographer to Commrs. of Appraisal Easements in Westchester Ave., etc.—Jan. 7 to Jan. 31, 1908.....	<u>\$427 90</u>
821	Mortimer Kennedy Flagg...	Services as Clerk to Commrs. of Appraisal Easements in Westchester Ave., etc., Jan. 7 to Feb. 6, 1908.....	100 00
822	Benedict J. Greenhut.....	Services as Commr. of Appraisal—Easements in Westchester Ave., etc., 34 separate days.....	340 00
Total.....			<u>\$867 90</u>
The following payrolls were approved by Chairman Willcox:			
792	Inspectors of Masonry.....	Week ending Mar. 4, 1908.....	\$1,577 45
791	Gas Meter Testers.....	Week ending Mar. 4, 1908.....	312 56
793	Office Staff	Supplementary roll, month ending Feb. 29, 1908...	107 76
Total.....			<u>\$1,997 77</u>

(40)

O-315

On motion, duly seconded and carried, the Chairman was authorized to conduct a hearing on the application of the Interborough Rapid Transit Company, as to a proposed mortgage and bonds, as set forth in its application, with full authority to employ such assistance as he may need in the matter.

(41)

1373

The Secretary presented the following communication from the Counsel to the Commission:

March 10, 1908.

Public Service Commission for the First District:

STEINWAY TUNNEL.

SIRS—I am in receipt of a letter of the Secretary, bearing date March 2nd, transmitting a copy of a letter of T. P. Shonts, Chairman, with respect to a proposition of the Interborough Rapid Transit Company that the City of New York purchase all the tunnel railroad and rights, excluding certain real estate, of the New York and Long Island Railroad Company, and its successors, at its actual cost to the Interborough Company for construction, &c., &c., that is to say, about \$7,000,000, the amount to be paid in city bonds, and that the city enter into an operating contract with the New York and Queens County Railway Company to operate the tunnel railroad in connection with its surface railroad in Queens County, for a term of twenty-five years at a five cent fare, the city to pay one-half of a certain sum agreed upon to represent the operating expenses, and the balance to be met by the company; the city to take the local fares until reimbursed for its advances for operating expenses and interest on bonds issued to pay for the tunnel and one per cent. for a sinking fund, the company to take the through fares, and when the city has been reimbursed, the local fares to be divided equally between the city and the company.

Your question is whether the Commission has any power to act on this proposition.

I am of the opinion that this proposition is one for the decision, in the first instance, of the city authorities which have to do with the expenditure of public money. If the proposition does not commend itself to the city, the advice of the Commission is needless.

If the city authorities are inclined to favor this proposition, the matter may later come before this Commission for its approval under the provisions of the Public Service Commissions Law or for its aid and co-operation in the carrying out of the same under the provisions of the Rapid Transit Act, but this latter Act, in its present form, gives to the Commission no powers which would allow the purchase of an existing railroad or tunnel with public money, and the Rapid Transit Act would have to be amended in order to grant any such authority for the purchase of a railroad or tunnel in lieu of construction of the same at the public expense, and to provide for any such co-operative arrangement for operation and taking of fares in lieu of a guaranteed rental, as now provided, to cover interest and sinking fund for bonds issued to pay for the public improvement.

Respectfully yours,

(Signed) GEO. S. COLEMAN, Counsel to the Commission.

On motion, it was ordered that the Company be notified of the above opinion of Counsel.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT.

FRIDAY, MARCH 13, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for March 10, as printed in the CITY RECORD for March 13, was approved.

(2)

FOURTH AVENUE ROUTE.

Communications to the Corporation Counsel and to the Board of Estimate and Apportionment, Transmitting Forms of Contract.

The Secretary stated that the following communications had been sent to the Corporation Counsel and to the Board of Estimate and Apportionment:

March 12, 1908.

Hon. FRANCIS K. PENDLETON, *Corporation Counsel*, Hall of Records, New York City:

SIR—I hand you herewith six copies of six proposed contracts for the construction of a Rapid Transit Railroad in Fourth Avenue and other streets in the Borough of Brooklyn, and I am directed by this Commission to request your approval of the form of the said contracts, as required by the provisions of Section 13, Chapter 752 of the Laws of 1894. If you find the form correct, kindly sign the approval at the place indicated (immediately after the invitation to contractors), and return three copies of each contract so approved to me.

The contracts submitted are as follows:

Manhattan Bridge No. 1, for the construction of the section of such railway from the Manhattan Bridge approach and along the Flatbush Avenue Extension to Wiloughby Street.

(19)

No. 9-C-1, for the construction of the section of such railway from Willoughby Street to Ashland Place.

No. 11-E-1 and 11-A-1, for the construction of the section of such railway from Ashland Place and Fulton Street to Fourth Avenue and Sackett Street.

No. 11-A-2, for the construction of the section of such railway from Fourth Avenue and Sackett Street to Fourth Avenue and Tenth Street.

No. 11-A-3, for the construction of the section of such railway from Fourth Avenue and Tenth Street to Fourth Avenue and Twenty-third Street.

No. 11-A-4, for the construction of the section of such railway from Fourth Avenue and Twenty-seventh Street to Fourth Avenue and Forty-third Street.

Respectfully yours,

(Signed) TRAVIS H. WHITNEY, Secretary.

To the Board of Estimate and Apportionment of The City of New York:

The Public Service Commission for the First District has prepared and now transmits six contracts for the construction of that part of the proposed Rapid Transit Railroad in Fourth Avenue and other streets in the Borough of Brooklyn, extending from the Manhattan Bridge approach to a point at or near 43d Street, under and in pursuance of the following resolution adopted by your Board on the 4th day of June, 1907:

"Resolved, That the Board of Estimate and Apportionment hereby rescinds so much of the said resolution of December 7, 1906, as relates to the said Fourth Avenue and Bensonhurst Routes and the said Tri-Borough Route, and instead thereof authorizes the Board of Rapid Transit Railroad Commissioners to let contracts for construction only, for the Manhattan Bridge Route, a part of Route 9-C in Brooklyn, a part of Route 11-E-1, in Brooklyn, and Routes 11-A, 11-B and 11-F (Bensonhurst Route), in the Borough of Brooklyn, the said routes together forming a line running from Chrystie Street, in the Borough of Manhattan, across the Manhattan Bridge and under Fourth Avenue and other streets in the Borough of Brooklyn, with termini at or near Fort Hamilton and at Coney Island, being four tracks to 40th Street, and two tracks each, on the Fort Hamilton and Coney Island Lines from that point."

These contracts cover the following sections:

Manhattan Bridge No. 1, from the Manhattan Bridge approach along Flatbush Avenue Extension from Nassau Street to a point near Willoughby Street.

No. 9-C-1. From a point at or near Willoughby Street to Ashland Place.

11-E-1 and 11-A-1. From Ashland Place and Fulton Street to Fourth Avenue and Sackett Street.

11-A-2. From Fourth Avenue and Sackett Street to Fourth Avenue and 10th Street.

11-A-3. From Fourth Avenue and 10th Street to Fourth Avenue and 27th Street.

11-A-4. From Fourth Avenue and 27th Street to Fourth Avenue at or near 43rd Street.

In accordance with the wishes of your Board, as contained in the resolution referred to above, these contracts are for construction alone, and the question of the form of contracts under which the road shall be equipped, maintained and operated will be a subject for further consideration.

On taking office on July 1st, 1907, the Commission received from its predecessors, the former Rapid Transit Board, drawings and drafts of contracts for five of these sections, the Ashland Place section being then omitted. A careful study has been made of these contracts and plans upon which they are based, to determine whether they contemplated a structure of the size and capacity adequate to the needs of the people of the City. After thorough consideration it was determined that on all future subways the dimensions of the structure should be so increased as to allow the use of standard passenger coaches and to eliminate all deep grades, making a three per cent. grade the maximum. These changes which have necessitated the preparation of an entirely new set of plans will permit the City, when the road is completed, to allow the use of the subway in connection with suburban railroad lines, and for that reason, and also because of the absence of steep grades, furnish a more attractive proposition to a contractor from an operating standpoint. Upon the approval of these contracts by your Board, advertisement for bids will be made, and when received the contracts will be again submitted to your Board for its consent to the execution of such contracts and the appropriation of the necessary money.

The proposed contracts have also been submitted as required by law to the Corporation Counsel, for his approval as to form.

In witness whereof, the Commission has caused its seal to be hereto affixed and these presents to be witnessed by its Chairman and Secretary this 12th day of March, 1908.

PUBLIC SERVICE COMMISSION

FOR THE FIRST DISTRICT.

(Signed) By W. R. WILLCOX, Chairman.

(Signed) By TRAVIS H. WHITNEY, Secretary.

(3)

1265

The Secretary presented a communication from F. K. Pendleton, Corporation Counsel, transmitting the following resolution, adopted by the Board of Aldermen on February 18, 1908, which was referred to Commissioner Eustis:

Whereas, The structural work of the elevated portion of the Broadway Rapid Transit Railroad, between Two Hundred and Thirtieth and Two Hundred and Forty-second streets, has been completed since early in the fall of 1907, and no attempt has been made to erect the stations at Two Hundred and Thirty-first street, Two Hundred and Thirty-eighth street and Two Hundred and Forty-second street; and

Whereas, The people of Kingsbridge, Spuyten Duyvil and Riverdale are greatly inconvenienced by the dilatory tactics employed by the party or parties in whose charge the construction of these stations are entrusted; therefore be it

Resolved, That the Corporation Counsel be and he is hereby requested to take such steps as will insure the immediate erection and prompt completion of these stations.

(4)

1840

The Secretary presented the following communication from Bion J. Arnold, Consulting Engineer, transmitting a report upon the signal system of the Subway of the Interborough Rapid Transit Company:

LETTER OF TRANSMITTAL.

NEW YORK, January 18th, 1908.

Public Service Commission, for the First District, State of New York, Tribune Building, New York City:

GENTLEMEN—I have the honor to submit herewith my report upon the signal system of the Subway of the Interborough Rapid Transit Company.

The report describes and analyzes the signal system of the Subway and contains suggestions for improvements, which, if made, will not only give increased safety but at the same time increase the capacity.

It also discusses the question of signals upon the local tracks.

Respectfully submitted,

(Signed) BION J. ARNOLD, Consulting Engineer.

THE SUBWAY SIGNAL SYSTEM OF THE INTERBOROUGH RAPID TRANSIT COMPANY OF
NEW YORK CITY.

In studying the Subway, it soon became apparent that the three principal or more important and requisite elements entering into its operation are safety, comfort, and capacity, and that, while it may be necessary to sacrifice comfort somewhat for capacity, it is unwise to sacrifice safety for capacity. As comfort and capacity are secondary to safety, they will be discussed later in separate parts of my report and this section is devoted to an analysis of the signal system and its effect upon the capacity of the Subway.

If the changes suggested in this report are developed and properly operated both the safety and the present capacity of the Subway will be considerably increased.

DESCRIPTION OF SYSTEM.

The signal system installed in the tunnel tracks of the Subway system and on a part of the elevated structure is what is known as an Electro-Pneumatic System, the block signals being Automatic and the Interlocking, Semi-Automatic, that is, controlled by a lever in an interlocking machine and also by a track circuit. The local tracks between Brooklyn Bridge and 96th Street Station are but partly equipped with signals, these being placed principally at critical points where there are short curves. At certain points on the elevated structure where a supply of compressed air is not available, a number of signals have been installed, which are operated by solenoids using current from the third rail.

The number of signals, block sections and track circuits for various sections of the Subway tracks is given in the following table:

A—From Battery Park to 96th Street, Express.

AA—From Battery Park to 96th Street, Local.

B—Third track from 96th Street North.

C—Two tracks to end of line.

D—96th Street to Lenox Avenue.

E—Lenox Avenue to West Farms.

	A	AA	B	C	D	E	Total
Number of signals (Home).....	115	63	59	83	36	65	421
Number of signals (Dwarf on main tracks).....	18	10	8	6	8	6	56
Number of signals (Dwarf on sidings and yards)....	1	5	..	11	38	13	68

	A	AA	B	C	D	E	Total
Number of Home Signals, including all Dwarfs.....	134	78	67	100	82	84	545
Number of Signals (distant).....	87	23	37	42	19	8	216
Number of Signals.....	100	56	47	59	29	32	323
Number of Signals.....	121	67	41	66	34	36	365

In the electro-pneumatic system used, each signal and switch is operated by compressed air, the control of its operation being obtained by means of a valve worked by an electro magnet. The control of the automatic signal is obtained by means of an alternating current track circuit, one rail of which track circuit is used solely for the signal track circuit and the other rail for the return of the current from the car motors to the power house and also as a return for the alternating signal current. The signal rail is divided into sections, with a transformer connected to the rails at one end and a relay at the other end of the section. When the track is not occupied, the current from the transformer passes from the transformer to one rail of the track, to the relay, from relay to the other rail, and back to the transformer. Upon the relay being energized by current, the armature is lifted and contacts closed, completing the circuit to the signal, and causing the signal to operate and give a clear or proceed indication.

If the track is occupied, the wheels of the train form a low resistance connection between the two rails, shunting the relay and causing the armature to fall and open the contacts, breaking the signal circuit, and allowing the signal to change to indicate stop.

All the switches of the express tracks and also all the local tracks are interlocked and protected by signals. The levers controlling the movement of the switches and

signals are so interlocked that they must be worked in a predetermined order, while it is made impossible to clear at the same time signals which govern train movements over conflicting routes.

INSTALLATION.

The block signals and interlocking plants were installed and completed ready for service with the commencement of train operation in October 1904. The apparatus was of the most improved design, and the installation the best possible at the time. While the science and art of signaling has advanced with rapid strides since this installation was made, there are but few suggestions in the way of available improvements that can be made at present, and these are given in this report.

CONDITION OF APPARATUS.

The apparatus was found to be in good working condition, and judging from its performances, I believe that the system is being maintained in the best manner possible.

MAINTENANCE.

The number of men employed in the Subway on maintenance of the signals and interlockings, their occupation, the places where they work, and the number of hours on duty, are as follows, the information having been furnished by the Interborough Company:

Occupation	Location	Hours
1—Supervisor	All over Subway	10
2—Inspectors	All over Subway	8
1—Sub-Foreman Sig. Rep.	All over Subway	10
1—Signal Repairman	Bowling Green	10
3—Signal Repairman	Brooklyn Bridge	10
1—Repairman's Helper	Brooklyn Bridge	10
3—Assistant Repairman	Spring Street	10
2—Signal Repairman	14th Street	10
1—Signal Repairman	14th Street	10
3—Signal Repairman	42nd Street	10
3—Signal Repairman	72nd Street	10
3—Signal Repairman	96th Street	10
1—Signal Repairman	100th St. & Broadway	10
2—Signal Repairman	100th St. & Broadway	10
1—Signal Repairman	137th St. & Broadway	10
3—Signal Repairman	145th St. & Broadway	10
3—Signal Repairman	Dyckman Street	10
2—Signal Repairman	Kingsbridge	10
1—Repairman's Helper	Kingsbridge	10

Occupation	Location	Hours
2—Signal Repairman.....	110th St. & Lenox.....	10
1—Assistant Signal Repairman.....	110th St. & Lenox.....	10
3—Assistant Signal Repairman.....	148th St. & Lenox.....	10
1—Repairman's Helper.....	148th St. & Lenox.....	10
1—Repairman's Helper.....	Extra	10
1—Signal Repairman.....	72nd St. Shop.....	10
1—Storekeeper	All over Subway.....	10

RELIABILITY.

The system as maintained in the Subway is remarkable for the few failures that have occurred and the excellent performance that has been obtained.

According to the records kept by the Interborough Company during the two years extending from October 1, 1905, to October 1, 1907, there were 155,064,894 signal and stop operations with 497 failures, or 1 failure to 312,001 of block and interlocking signal and automatic stop movements. The causes of the 497 failures are as follows:

Causes of Failures.	Totals.
Alternating current relays.....	5
Broken wires	33
Broken track wires.....	12
Resistance grids	2
Careless repairmen	17
Circuit breakers on signals.....	20
Direct current relays.....	29
Fuses	46
Insulated joints	143
Loose wires	11
Low A. C.....	16
Low D. C.....	4
Low air pressure.....	8
Renewing rails	4
Transformers	3
Trains run by signals.....	3
11,000 volt mains burned.....	7
Third rail short circuits.....	13
Trackmen	25
Unknown	4
Short circuits on track.....	41
Lamps out	1

Causes of Failures.	Totals.
Signal valves	2
Resistance tubes	1
Water in signal case.....	1
Defective magnet	1
Stones	7
Shifting ties	7
Circuit controller springs.....	11
Frozen valves	2
Stop cylinders	3
Out of adjustment.....	6
Loose air pipes.....	1
Gate valves closed.....	5
Broken air pipes.....	3
	<hr/>
	497
	<hr/>

The failures occurring to the switch interlocking apparatus for the 36 interlockings in use during the two years from October 1, 1905, to October 1, 1907, are as follows:

Broken wires	15
Frozen valves	1
Indication springs	21
Loose wires	1
Obstructions in switch points.....	19
Out of adjustment.....	21
Switches run through.....	24
Switch frozen	1
Broken connections to switch.....	2
Short circuits	10
Locking catching.....	2
Careless repairmen	6
Unknown	1
Rails running	2
Careless towerman	1
Circuit shifter	1
Burned cable	1
Burr on rail.....	1
Binding on ties.....	1
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	131
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ANALYSIS OF DESIGN AND OPERATION.

In applying a signal system to the Subway, the primary object is to furnish a means whereby the motorman of a train can obtain a knowledge of the condition of the track immediately in front of him. The distance to which he can "see ahead" through this agency is made to depend upon the conditions governing the motorman's control of his train, the general object being to allow the motorman to see so far ahead that in case a dangerous condition is detected, he will have space enough between himself and this dangerous condition to bring his train under full control, or to a complete stop. It is apparent, therefore, that this necessary distance will increase with the speed of the motorman's train, and that it will increase for down grade conditions, and may be diminished for up grade conditions; in short, it will vary as the factors which determine the distance, in which a train may be stopped, will vary.

In practice it has been found that in order to insure safety of operations of trains, it is not sufficient to simply provide this ability to "see ahead." Accidents occur which can only be explained upon the theory that the motorman failed to exercise this ability. In case the motorman fails to obey the signal, means that are independent of him must be provided to control the movement of the train. The system in use in the Subway accomplishes this by means of an automatic trip located at the side of the track, which, by opening a valve on the train pipe of the air brake system of the train causes the brake to be set. This automatic stopping device makes it necessary that the motorman shall act consistently with the indications of the signal system, and in case he fails to do so it not only suddenly stops the train at considerable inconvenience to the passengers, but also reflects upon his record as a competent man.

From the above it is clear that the automatic stopping device is intended to render the safety of the train independent of the motorman's intelligence or judgment. This is now true so long as the train is proceeding along portions of the track between stations. When, however, a stopping point or terminal is being approached *with the system as now installed*, the intelligence and judgment of the motorman become an essential factor in the safety of the train movement.

In order to facilitate the movement of trains, the practice in the Subway has been to treat all stations as terminals, insofar as the motorman's control of his train is concerned. It is, therefore, assumed that a proper reduction of speed preparatory to stopping at these stations will be made by the motorman. As a consequence, the distance to which the motorman can see ahead by means of the signal system is reduced in accordance with the conditions determined by the speed at which he *should* approach this stopping point. Since the automatic stopping devices are located with reference to and are controlled by the signal system, it follows that, if the motorman neglects to observe this reduction in speed, due to any cause whatsoever, it would not be possible for the automatic stopping device to prevent a collision with a train standing at the station. Although the original installation of the signal system was such that safety was obtained at all points, the congestion due to the long delays at the station platforms

caused changes to be made in the station blocks on the express tracks. *These changes were based upon the assumption that a reduction in speed would be made when trains approached stations, and it therefore follows that safe automatic control of trains is not now always obtained.* In other words, the motorman's intelligence and judgment as well as his physical condition now enter as a factor in the safety of train movements, particularly when approaching stopping stations.

To maintain a uniform standard of safety over the entire system it is necessary to introduce some device that will *insure this reduction in speed when approaching a stopping point.*

In considering the application of the principles of design and operation of signal systems to conditions existing in the Subway, I find the following:

Since safety in operation requires that trains be kept a certain distance apart, and since in order to secure this and at the same time not to make the distance between trains any greater than necessary, the blocks with the distant signals located on the same post with the home signals have been made of a length equal to the braking distance plus 50%. This 50% may be considered as a margin or factor of safety to cover contingencies and unusual conditions of operation, which would tend to increase the distance ordinarily traveled by a train in coming to a stop. The effect of grades has been considered, as the distance in which a train may be stopped will vary according to the grade. Since it is necessary to reduce speed at curves and when approaching stations where stops have to be made, the actual length of block employed has been worked out for each location. With the idea of ascertaining the practical results obtained in this connection, many motormen were questioned. The inquiries did not disclose a single case where a train automatically stopped by the signal system had not been brought to a stop before the next signal had been reached—the trains running about two-thirds the length of the block—thus showing that the signal system gives the protection between stations that it was originally designed to provide.

The block system as installed has been so arranged that at all points, except at stations, trains will be separated a minimum distance of one block, and to secure this, use has been made of what is known as an overlap, or the overlapping by one signal of the section of track governed by the next signal in advance, so that there will at all times be two block signals in the rear of a train to protect it by indicating stop. Without the overlap a train might stop with the last car a few feet in advance of the signal at the entrance of a block, in which case should a following train run by the home signal, although the brakes would be applied on the train passing the signal, the speed would not be reduced sufficiently to prevent a collision. This would now be the case at stations should a train run past the home signal at full speed.

At stations on the express tracks where all trains make the station stop, trains are required to slow down in approaching these stations, and as the speed is reduced the train may be brought to a stop in a much shorter distance than if running at full speed, the overlap at these places has been made an average length of 350 feet, the exact

length at each place varying slightly according to the grade and curvature. In each case this overlap is so arranged that a train standing at the platform will have cleared the overlap and allowed a following train to approach the home signal immediately in the rear.

The use of the overlap and the spacing of trains consequent thereon is necessary in order to use the stopping device which has been provided to automatically apply the brakes should a train run by a home signal that is indicating stop. This automatic stop is arranged to operate in connection with the home signal of the block in advance, the stop going to the position to stop a train when the rear wheels of a train pass out of the block, and is occupying the overlap section only. The principle, therefore, is to provide at all points sufficient distance between the rear end of one train and the head end of the next train, in which a train passing by the home signal when indicating stop, will be automatically stopped by the brakes without coming into collision with the train on the track ahead. The automatic application of the brakes is independent of the motorman, and when the brakes have been so applied the train must be brought to a stop before the trainmen can get at the valve on the car trucks to close it, and allow the train to proceed.

The following information obtained from observation of the movements of trains in the Subway is of value in considering the improvements which are recommended in this report.

The highest observed speed of a number of observations was 40 miles per hour.

The usual speed of express trains at places favorable for fast running was 35 miles per hour.

The usual speed of heavily loaded northbound express trains leaving Brooklyn Bridge exclusive of slowing down at approach to stations was 32 miles per hour.

The minimum possible time interval between trains at the various blocks as now installed, based on the assumption that a following train will in each case pass the distant signal on the instant that such signal indicates proceed, and as determined upon express trains is as follows:

Northbound:

Brooklyn Bridge:

1' 14", 1' 7", 1' 0", 1' 0", 0' 58", 1' 9", 1' 5", 1' 7", 1' 5", 1' 11", 1' 18".

14th Street:

1' 15", 1' 9", 59", 1' 0", 59", 1' 3", 1' 1", 1' 3".

42nd St. Station:

1' 20", 1' 29", 1' 20", 1' 25", 1' 9", 1' 7", 1' 0", 1' 5", 1' 2", 1' 0", 54", 1' 0".

72nd St. Station:

1' 23", 1' 12", 1' 10", 1' 6", 1' 0", 1' 12".

*Southbound.**96th St. Station:*

1' 14", 1' 9", 1' 1", 1' 0", 50", 54".

72nd St. Station:

1' 24", 1' 9", 1' 8", 55", 57", 55", 58", 1' 4", 1' 21", 1' 22", 1' 22", 1' 4".

42nd St. Station:

1' 20", 1' 6", 1' 3", 1' 0", 57", 48", 54", 60".

14th St. Station:

1' 13", 1' 7", 1' 3", 1' 1", 1' 8", 1' 7", 1' 4", 1' 5", 1' 7", 1' 5".

Brooklyn Bridge:

This shows that if it were not for the station stops trains could be operated over the express tracks of the Subway under a headway or time interval between trains of 82 seconds and that a 90 second headway is practicable.

The following data, regarding movements of trains at express platforms of the Grand Central Station between the hours of 5 and 6 p. m., was obtained soon after I began to study conditions in the Subway:

	Northbound	Southbound
Trains per hour.....	27	29
Average time interval between arrival of trains.....	2' 12"	2' 1"
Average length of stop.....	58"	35"
Shortest stop.....	25"	25"
Longest stop.....	82"	62"
Average delay to trains that were stopped at signal 47 in rear of platform	33"	....
Average delay to total trains passing signal 47.....	26"	....
Average time required for train starting at signal 47 and head end reaching edge of platform, a distance of 390 ft.....	23½"	....
Average time required for train starting at signal 47 to run a distance of 763 ft. and make stop at station platform.....	44½"	....

At southbound express platform at Grand Central Station, the following delays occurred between 8 a. m. and 9 a. m. at signal 6Ra, which is immediately in rear of platform:

Trains per hour.....	29
Average interval between arrival of trains.....	2 min. 1 sec.
Number of trains stopped at signal in rear of platform.....	20
Average delay to trains stopped at signal (seconds).....	28½
Average delay to trains passing signals (seconds).....	21

These figures showing the average length of time required for the trains to pass through the Grand Central Station block, indicates that under present conditions

it is hardly possible to maintain a two minute headway upon the express tracks during rush hours. A two minute headway corresponds to a rate of 30 trains per hour, whereas trains were passed through this station at the rate of only 27 trains per hour northbound at night, and at the rate of 29 trains per hour southbound in the morning during rush-hours.

Some improvement in the prompt movement of trains has been secured recently by introducing minor improvements and the use of trained platform men in police uniforms, but there are still times during the rush hours when the rate of train movement falls as low as 27 trains per hour, although this condition does not now continue for a full hour, as was formerly the case before efforts were made to control the loading of the passengers.

CUMULATIVE EFFECTS OF DELAYS.

Every effort should be made to limit the station waits as the movement of the trains is extremely sensitive to delay. In order to understand how even one prolonged station wait has a cumulative effect on the scheduled movement of the trains, we may take for an example an express train going north during the rush hours. This train may be held at Brooklyn Bridge until all the seats are taken, and part of the standing room is occupied. The train may be held again at the 14th Street platform until each car is practically crowded full. This train now reaches Grand Central Station, where many of the passengers wish to get off, either to leave the Subway, or to transfer to local trains. It is necessary for these leaving passengers to crowd through the passengers standing in the ends of the car and on the car platforms, and then almost fight their way out of the car through the crowd which is endeavoring to board the train.

This enforced delay at Grand Central Station causes the train to occupy the station block for more than its allotted time, and the caution signal at the rear of the station slows down the following train. The first train in leaving the station platform requires 23 seconds to run the length of the platform and give the proceed signal to the following train, which, on account of its speed having been reduced by the caution signal takes a greater length of time than normally to come to rest at the station platform. As the interval between trains has now been slightly increased, there are more passengers to board the second train than would be the case if the interval between trains had been maintained at two minutes. The delays caused by the two trains are now transmitted by means of the block signal system to the next following train, so that this third train must come to a full stop at the stop signal at the rear of the station. In order to enter the station after it finally gets the proceed signal, this third train must start up a grade and proceed around a curve, which adds considerably to the length of time required to clear the station block, and this additional delay is added to the delay of the first two trains, and transmitted by means of the signal system to the fourth train. In other words, the first delay at the station platform causes other cumulative delays, which are often more serious

than the original delay, and the result is that the headway of all the trains is lengthened, and the car hour capacity of the Subway is quickly reduced. If these delays continue, the effect is soon felt back at 14th Street, and as the trains are held at the 14th Street platform by the blocked condition of the track between 14th street and Grand Central Station, an opportunity is afforded to greatly overload these delayed trains, and this again adds to the congestion.

IMPROVEMENTS IN SIGNAL SYSTEM.

There are a number of ways independent of the signal system of reducing the actual time taken by a train at the station platform as indicated by my preliminary report, which covered several suggestions for facilitating the loading and unloading of passengers. I am also preparing a report upon the proper design of a Subway car suitable for handling the maximum number of passengers in the minimum time. There are a number of changes, however, in the signal system itself which should be made as soon as practicable, which will add considerably to both the safety and the capacity of the Subway. These changes should accomplish the following results:

A. Trains should approach the stations under *automatic speed control* supplemental to the present signal system, and should be allowed to come nearer the station platforms than at present before being actually stopped, and this should all be done without encroaching on the factor of safety of 50% over and above the distance actually required in which to stop the train by means of the signal system between stations.

B. The entering train should be allowed to come into the station platform as soon as safely practicable after the leaving train has started, and thus reduce the headway or the time interval between trains to the *minimum* time that can be *maintained with safety*.

The plans for changing the signal system at the express stations which have been submitted to your Honorable Commission by the Subway officials contemplate either leaving the automatic stop which now protects the station platform where it is at present or moving it even nearer the station. Neither plan provides the full measure of safety necessary to protect a train standing at a station platform from a train approaching the station at full speed, as the signal is not placed far enough back to stop the approaching train in case the motorman fails to act. *Final changes in the present system should move the automatic stop farther away from the platform rather than closer to it.* This automatic stop was originally located by the designers of the signal system at a suitable distance to secure absolute safety, but as previously stated it was found that in this location the movement of trains and therefore the car capacity of the Subway was seriously handicapped on account of the greater length of time taken by the trains in passing through the station block. The automatic stop was therefore moved *closer* to the station by modifying the overlap, and the responsibility for safety transferred to the motorman. Considering the state of the art of signaling at the time the system was installed and also the fact that the trains have

all been handled without accident at these points, it cannot be said that this changing of the signal system has proven to be a serious mistake. I believe, however, that it is practicable to develop an improvement which will supplement the present system by means of which the present headway can be maintained and probably bettered, and at the same time maintain absolute safety without being dependent on the motor-man for it. To do this the improved system must possess the following features in order to comply with the fundamental principles previously stated in paragraphs A and B:

1. The system must provide the same degree of safety in station blocks by means of automatic stops as is now secured by the signal system on the tracks between stations.
2. When a train occupies a station platform and another train is approaching, the signals leading up to the station should indicate stop and the following train should be allowed to proceed with caution only when its speed has been reduced to a predetermined safe speed limit.
3. The speed control signal located farthest from the platform should be at such a distance that if it indicates stop and a train passes it at excessive speed, the train will be brought to a stop and still have the usual 50% clearance between it and the preceding train. This requirement will necessitate placing the signal in practically the same position as originally installed.
4. These special speed control signals should be located so that a train pulling up to a station will be allowed to follow the preceding train which is leaving the station as closely as may be done with the same measure of protection which is provided by the signal system at the points between stations.

The subject of the proper design of express stations will be discussed in another report but it is proper to state here that had the express stations been constructed either by being doubledecker or otherwise so that trains could have been alternated first on one side of the platforms and then on the other, the capacity of the Subway could have been increased at least 50% with the signal system as originally installed, but as this was not done it seems necessary under present conditions to refine the present signal system to the greatest extent practicable consistent with safety in order to secure capacity.

I believe that there will be no great difficulty in getting proposals and guarantees of successful operation covering such an auxiliary signal system as is here proposed, and I recommend that steps be at once taken to develop and install such a system.

As it will probably take some time to install the complete protection system hereinbefore recommended, I suggest a change in the present signal system which can be made at once, and which will provide a means of reducing the cumulative effects upon the schedule of an occasional prolonged station delay. This change should enable the two minute headway on the express tracks to be maintained during the entire rush hour period. The delay in the train movement does not become serious until a train

has been brought to a stop at the entrance to the station block. The excessive time required to get this train under motion and the corresponding low average speed at which it approaches and travels the length of the platform are handicaps which are almost impossible to overcome by reducing the time required for unloading and loading, particularly with the present type of car.

Now if the signal to proceed can be given to this delayed train a few seconds from the time the train at the station platform begins to leave rather than to have this proceed signal given when the last car leaves the platform as at present, it is possible to reduce the delay of the following train at least 17 seconds. If, therefore, such a permissive signal could be given to the first train which encounters a delay amounting to a stop outside of an express station, the cumulative effects of an excessive station wait could at once be counteracted; all the following trains could come into the station on time and the usual congestion of trains between stations could be avoided.

Such a system should have the following characteristics:

1. Means should be provided whereby the stopped train gives a visual and audible signal, to a special platform station attendant, that the entering train has been delayed to the extent of a full stop. A suitable device which can be reached by the motorman without leaving his cab and which will operate an electric repeating visual and audible signal will answer this purpose. The signal should cease when the motorman gets the proceed signal from the platform attendant.

2. A manually operated switch fitted with a removable handle should be put in a booth placed, preferably, at the leaving end of the station platform. The platform attendant should be able to release the emergency stop holding the entering train and give the proceed signal by means of this switch only after the oncoming train has come to a complete stop and the leaving train has begun to move. In case the leaving train should slow down or stop for any reason, the opening of another switch by the platform attendant will at once set the emergency stop in its original position under the incoming train and bring it quickly to a standstill.

3. An auxiliary automatic track stop and signal should be installed at the rear of the platform to be released or cleared only when the leaving train has entirely cleared the platform in order to prevent the following train from getting to the platform until the leaving train has completely vacated the station.

The installation of this manual system of permissive signals could be so installed as to become a part of the complete recommended automatic speed control arrangement; its operation would not detract from the safety of the present signal system, and its use would add at least two express trains per hour to the rush hour capacity of the Subway as at present operated.

SIGNAL SYSTEM CHANGES PROPOSED BY THE INTERBOROUGH COMPANY.

I have carefully examined the plan submitted by the Interborough Company, shown as Figures 1, 2 and 3 of the Appendix of this report and referred to in the following letter:

"INTERBOROUGH RAPID TRANSIT COMPANY,
13-21 PARK ROW,
NEW YORK, NOV. 8th, 1907. }

MR. GEORGE S. RICE, *Chief Engineer, Public Service Commission, for the First District:*

DEAR SIR—As you are aware, the business in the subway is increasing very rapidly, which makes it still more necessary to arrange the signals and automatic stops so as to get the greatest possible number of trains over the road and maintain a safe factor of safety in the train movement. We have made some very careful studies and herewith attach two of said studies, which are two of the controlling points, namely, Grand Central North bound on No. 3 track; 96th Street south bound on No. 1 track, approaching 96th Street junction.

The *Grand Central track layout* and station drawing is shown on No. D-285 and will effect a saving of 7 seconds per train north bound approaching and departing from this station. In my judgment the change of signals and the installation of the new one as shown on the print marked 47½ will still enable us to retain the same factor of safety as we have there at the present time.

The 96th Street, southbound, track No. 1: I herewith attach drawing No. D-277 showing a proposed new location for signal No. 10-R. You will note that the proposed signal is set north of the switch point approaching 96th Street about 200 feet and the southbound trains are allowed to approach this close to the cross-over. The overlap it is proposed to cut out. This you will note permits the southbound Broadway trains to approach about 400 feet closer to the fouling point than the overlapping signals now permit them to do and if this change is made it will save 20 seconds for every southbound Broadway train.

You will at once realize that No. 1 track is on a down grade and the southbound train is allowed to approach approximately 200 feet within the fouling point. This, however, is in the opinion of the writer, a reasonably safe thing to do, but, of course, you realize that it would be possible for a motorman to violate the signal with its new location and cause a wreck at the junction. In other words, this new location of the signal is depending more on the fallibility of man than our present arrangement.

Will you kindly advise me if you approve of these changes.

Very truly yours,

(Signed) FRANK HEDLEY, General Manager."

Encs.

These proposed changes are described more in detail by your former Chief Engineer in the following letter:

"November 14, 1907.

"Re. Changes in Subway Signals at Grand Central & 96th St. Stations.

TRAVIS H. WHITNEY, Esq., *Secretary, Public Service Commission for the First District:*

DEAR SIR—Herewith is a letter addressed to me by Mr. Frank Hedley, General Manager of the Interborough Rapid Transit Company, together with two blue prints

described therein, relating to two proposed changes in subway signals for the purpose of expediting the train movement.

The change at *Grand Central Station*, called for on plan D-285 does not involve any increased risk in operation. At the present time, trains approaching this station on express tracks from the south, are held in position No. 1 at signal No. 47, until the trains at the station passes signal 8-L, at the north end of the platform. It is proposed that an additional signal No. 47½ be located about half way between signal No. 47 and the south end of the Grand Central Station.

The operation under the new plan will be as follows: as, formerly, all trains would be held at signal No. 47 if a train were in the station occupying position No. 2. The signal No. 47 is so arranged that as soon as the rear end of the train leaving the station passes the point "A," No. 47 would show clear; the train held up at signal No. 47, would then immediately proceed forward. A saving in time would result equal to the time required by the rear end of the train leaving the station in moving from "A" to signal 8-L; this is estimated at about 7 seconds.

With regard to the 96th Street change, there is an increase in the risk of operation. Under the present operation all trains are held up on signal No. 98 shown on drawing D-277. The distance between this signal and the crossing just north of the 96th Street station is sufficient, so that if a train would run by signal No. 98 in approaching the station it would be brought practically to a standstill by the automatic trip before it could reach the crossing, or in any event it would be moving so slowly when it reached the crossing that no serious damage would be done if it collided with the train at the crossing.

It is now proposed to place a signal at the position 10-R, 400 ft. nearer the crossing and only about 200 feet from it; southbound Broadway trains would then be held up at signal 10-R instead of No. 98. If the motorman should run by 10-R the automatic trip could not stop him sufficiently to avoid a bad smash-up at the crossing. The risk is increased due to the fact that the approach to the station from the north is on a 1.4% down grade. The saving effected by this proposed change is estimated at about 20 seconds. It is, of course, desirable to facilitate the movement in this way, but the question resolves itself into the willingness of the Commission to share the risk involved by authorizing the change.

I may say that between signal No. 98 and the south side of 103rd Street station there are two other signals, one immediately south of the station, and the other protecting the crossing from the centre track. Because of these two signals and the down grade to the station, a train approaching signals No. 98 and 10-R should be under control, or if for any reason the motorman should lose control of his train, a wreck would probably result. Even under these circumstances, however, I agree with Mr. Hedley that the change is a reasonably safe one, though the danger cannot be entirely eliminated.

I respectfully request that the Commission advise me in regard to its approval of the proposed changes.

Very truly yours,
(Signed) GEORGE S. RICE, Chief Engineer."

Encs.

PROPOSED CHANGE AT GRAND CENTRAL STATION.

As the control of trains when entering stations is now dependent upon the motor-men, and as the proposed change at Grand Central Station does not materially increase this risk and at the same time makes practicable a saving of 7 seconds for each train, there is no good reason why the arrangement proposed by the Interborough Company for this location should not be approved and installed.

It is well to bear in mind, however, that this change does not *increase* the safety as do the improvements I have recommended and, therefore, the plan should be regarded only as a temporary expedient to be used pending the development of an auxiliary speed control system which will fulfil the requirements I have already outlined.

The same changes suggested for the signal system on the northbound express tracks at Grand Central Station should be carried out at every other express station on both northbound and southbound tracks in order to get the full benefit of a possible reduction in headway for the trains passing in either direction through the stations at Brooklyn Bridge, 14th Street, Grand Central, 72nd Street, and 96th Street.

MODIFIED SIGNAL SYSTEM TO BE USED PENDING DEVELOPMENT OF RECOMMENDED IMPROVEMENTS.

The saving of 7 seconds secured by the Interborough plan is not effected in such a way, however, as to overcome the disadvantages of a cumulative series of delays incident to one prolonged station wait. This suggested change will add 7 seconds to the length of time a train can now wait at the platform before it begins to influence the movement of the oncoming train, but in case a following train is once stopped at signal No. 47 the arrangement as proposed affords no means of allowing the delay to be taken out of the schedule of the stopped train. A manual means of clearing signal No. 47 so that a train can pass it should be provided to be used only when the schedule is actually in danger of delay.

This manual system can be installed in such a way as to be a part of the system suggested by the Interborough Company, and in operation its effect would be to advance the proceed signal arranged for by the Interborough plan by at least 10 seconds, thus making the total time saved over present conditions at least 17 seconds, with a possibility of saving the entire 23 seconds now required to clear the station protection.

The requirements of the suggested manual permissive system have already been defined, and as the expense of its installation is small and its effect on the train

schedule will be marked, I suggest that this additional change be incorporated in the plans submitted by the Interborough Company, provided the officials of the Company feel warranted in adopting it, but as it is more of a temporary operating feature than a permanent engineering improvement, it need not be insisted upon.

PROPOSED CHANGES AT 96TH STREET STATION.

In my opinion it would be much safer to make the changes in the signal system on the south bound tracks at 96th Street along the same lines as suggested by the Interborough Company for the north bound tracks at Grand Central Station than to attempt to carry out the changes shown on the Interborough Company's drawing No. D-277, which it is admitted by all will increase the danger of operation by allowing the trains to approach closer to the crossing and to the 96th Street platform before reaching the protecting signal and automatic stop which are now located at a safe stopping distance.

As there is an interlocking tower at 96th Street controlling the movement of the trains at the cross-over at that point, it is entirely practicable to install a manually operated permissive system at this point also. I would therefore suggest that the Interborough Company revise its 96th Street signal system plan to conform to the requirements of the suggested manual permissive system already described in this report as well as to use practically the same layout or plan which has been approved and recommended by me for all other express stations. The changes in the signal system at all the express stations will thus be made in accordance with a uniform plan which normally will save approximately 7 seconds but which will make possible an additional saving of at least 10 seconds at each point, thus making a total saving of at least 17 seconds upon the present 2 minute headway.

SIGNALS ON LOCAL TRACKS.

In considering the necessity of installing signals and automatic stopping devices on the local tracks of the Subway, it is clear that the same consideration of safety that govern their installation on the express tracks should apply as well to the local tracks, i. e., a passenger should be as safe on the local trains as he is on the express trains.

Practically the only difference between train movements on the local tracks and those on the express tracks, is that of more frequent stops made by trains on the local tracks. The acceleration, maximum speed and retardation are practically the same for the two classes of service. The time interval between trains is also approximately the same. Further, from considerations noted above, it follows that the introduction of a stop between the terminals of a system introduces a risk, and, therefore, tends to lower the degree of safety by making this safety according to present practice depend more or less upon the agency of the motorman. Clearly the oftener this is done the more frequently is the risk assumed, resulting in a lowered degree of safety.

South of 96th Street the number of stops on the local service of the Subway is about five times that of the express service. It would, therefore, appear that if the practical degree of safety decided upon for Subway operation demands the installation of a signal system and automatic stopping devices on the express tracks, the same or similar equipment is necessary on the local trains.

The introduction of a stop between the terminals of a system introduces features that tend to increase the necessary headway between trains, and, therefore, reduces the transportation facilities of the system.

Conditions introduced by a single stopping point may determine the minimum permissible headway of all trains on the system passing that point. The stopping point requiring the maximum wait in general determines the minimum headway. The introduction of other stopping points will not influence the headway, so long as the stops are far enough apart to permit the trains to reach a speed equal to that which they would reach were no such stops introduced.

Since the stopping points on the local service which coincide with the stops on the express service are the same ones which require the longest station waits, and, therefore, determine the headway on the local service, as they do on the express service, it would appear that, if a certain headway can be maintained on the express service, the same headway can be maintained on the local service when operating under the same conditions of safety, particularly in view of the fact that conditions tending to prolong waits at limiting points on the local service are not so pronounced as they are on the express service. As the local and express trains alternate on the same tracks north of 96th Street, it is desirable that the same headway should be maintained on both systems south of 96th Street. As far as the signal system is concerned there is nothing to interfere with such an arrangement up to the capacity of the express tracks, which can eventually be operated with a headway of 90 seconds corresponding to 40 trains per hour, *although it cannot be denied that the introduction of a block signal system on the local tracks will reduce their possible capacity from 50 trains per hour to 40 trains per hour.* Inasmuch as there are now being operated on the local tracks during rush hours only about 30 trains per hour, it will be seen that a block signal system possessing the speed control principle can be installed upon these tracks and at the same time permit an increase in the number of trains of $33\frac{1}{3}\%$ over the present number, although until the 96th Street crossovers are eliminated by the improvements now authorized, there will be short intervals during which this rate cannot be maintained.

There is an added reason for considering the advisability of applying signals and automatic stopping devices on those portions of the Subway north of 96th Street, and particularly on the elevated portions. There is undoubtedly a strong tendency for the motormen to relax somewhat when coming out into the open. At least, opportunities for diversion are greatly increased, with the resultant effect of lowering the efficiency of the motormen. Automatic signals and stopping devices to enforce observance of

the signal indications are needed here to as great an extent, if not greater, than in the underground portions of the system.

On the other hand it is true that millions of passengers are carried annually upon the other elevated roads in the city which are not equipped with a block signal system and automatic stops and that this is done with an infinitesimally small percentage of accidents. It is said that it can easily be shown by statistics that a person is safer in an elevated or local subway car than when walking on the street. These considerations, however, do not remove the obligation of providing the greatest degree of safety practicable.

I, therefore, recommend that when the speed control system hereinbefore described has been perfected, such portions of the Subway tracks supplying local service as are not now protected by the signal system, be equipped with signals and automatic devices which will always insure a degree of safety and capacity equal to that obtained on those portions supplying express service.

BROKEN RAIL PROTECTION.

The track circuits in use in the Subway are of the single rail type in which one rail of each track is used as a common return, and connected in multiple with the return rails of the other tracks. The single rail track circuit with multiple connections for the return rail permits the current of one track to use the rails of the other tracks for a return in case the return rail should break or be removed, and, in consequence, the signal at the entrance of the block will not be made to indicate stop when there is a broken or removed rail. Although it is true that track rails seldom break under subway conditions, there is the possibility that this may happen, or that a rail may be removed from the track, as is often the case when repair work is under way, in which latter case, if trains were not properly flagged, a derailment might occur. The protection desired may possibly be obtained by putting reactance coils in the cross bond connections and at other points where required, but if such an arrangement is not adopted, track circuits of what is known as the two rail type may be used. This type of track circuit had not been perfected at the time the signal system was installed in the Subway, so the criticism cannot be made that the two rail circuit should have been put in in the first instance. Furthermore, as the two rail system has been in use so short a time it has not had an opportunity to demonstrate its superiority sufficiently to justify the abandonment at the present time of the single rail system which has proven to be so efficient in the present Subway.

As an offset to the expenditure necessary to the installation of this two rail system, it may be stated that it will reduce the electrical loss by allowing the use of both track rails for the return of current from the train motors to the power house and thus effect a considerable annual saving in the cost of operation. As it is probable that when the Subway is improved and operated at its maximum capacity, additional electrical conductors will be required, advantage can then be taken of the extra rail on each track which is not now being utilized as a conductor. In this way

the investment required to secure broken rail protection will be more than offset by the saving in the cost of electrical conductors, and thus at this time the improvement could be secured with the minimum investment.

While I believe that this improvement should be eventually used in this Subway, its advantages are not sufficient under present conditions, to justify the investment that would be required to secure it at once. It should, however, be considered for all extensions of the present Subway and upon all future subways.

CONCLUSIONS.

Briefly stated the conclusions which I have reached in the preparation of this report are as follows:

1. The Subway Signal System is in the main modern, effective, and well maintained.
2. There is no reason so far as the Signal System is concerned why 90 second headway cannot be maintained.
3. This 90 second headway will eventually be desirable upon both the local and express tracks.
4. The signal system does not at present afford positive safety at the approach to stations, as the motormen are relied upon to reduce the speed of the trains.
5. In addition to the excessive platform waits additional time is lost at each station stop by holding the following train a considerable distance out of the station until the leading train has entirely cleared the platform.
6. As at present operated, delays at a station platform have a cumulative effect upon following trains so that even one prolonged stop may start a series of delays which may disarrange the schedule for an entire hour.

RECOMMENDATIONS.

The changes I have recommended may be briefly summarized as follows:

1. That the necessary steps be taken to develop and install an automatic speed control signal system to be used as an auxiliary at station blocks which will allow the incoming train to safely approach the rear of the train at the platform and to enter the platform promptly upon the leaving of the outgoing train without sacrificing any of the standard of safety which is now maintained between stations.
2. That during the development of the system there be installed at every express station the changes in the block signal system proposed by the Interborough Company for Grand Central Station. The equipment required for these changes will reduce the present possible headway by 7 seconds, and could ultimately become a part of the permanent recommended arrangement.
3. That the Subway officials consider for the purpose of effecting temporary relief the installation of a manually operated permissive signal at every express station to be used to expedite a delayed incoming train and thus overcome the cumulative effects on the schedule of a prolonged station wait.

4. That the local tracks be protected by a complete block signal system when the automatic speed control system herein suggested has been perfected.

5. That, when the load on the Subway increases to such an extent as to require additional conductors for carrying the electrical energy to and from the trains, the present signal system be altered so as to utilize both rails for carrying the return current, and at the same time make the system conform to the latest accepted practice whereby the signal system detects and indicates a broken or removed rail, provided the system shall at that time have proven superior to the single rail system.

In studying the signal system I have prepared and attach hereto as an appendix, a number of charts and diagrams which show technically the arrangement, the necessity and the safety secured by the proposed changes.

I have in preparation an analysis of the proper type of car to be used in the Subway as at present constructed and when the car therein recommended is properly used in conjunction with the improvements in the signal system herein outlined, the maximum capacity and comfort consistent with safety will in my judgment have been secured.

APPENDIX TO REPORT UPON THE SUBWAY SIGNAL SYSTEM.

In this appendix will be found the technical drawings and diagrams which are necessary to illustrate the suggestions contained in the report upon the signal system. These drawings are as follows:

Figure No. 1—Interborough Rapid Transit Co.'s Drawing No. D-274.

Figure No. 2—Interborough Rapid Transit Co.'s Drawing No. D-285.

Figure No. 3—Interborough Rapid Transit Co.'s Drawing No. D-277.

Figure No. 4—Braking Curves—Showing Distances Required to Stop Trains at Various Speeds and Grades.

Figure No. 5—Train Spacing Chart—Showing Minimum Headway of Trains at Various Speeds.

Figure No. 6—Speed Time Curves—Showing Run from Signal 47 to Platform of Grand Central Station.

Figure No. 7—Speed Time Curves—Showing Time Required to Run through the Block Preceding Signal 47.

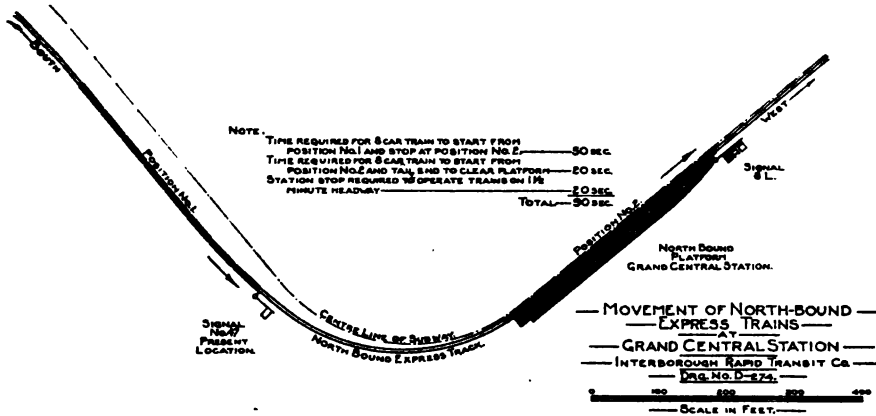
Figure No. 8—Speed Time Curves—Showing an Analysis of the Delay at Grand Central Station.

Figure No. 9—Speed Time Curves—Showing Economical Location of Signals.

Figure No. 10—Speed Time and Distance Time Curves—Showing Movement of Northbound Express Train at Grand Central Station.

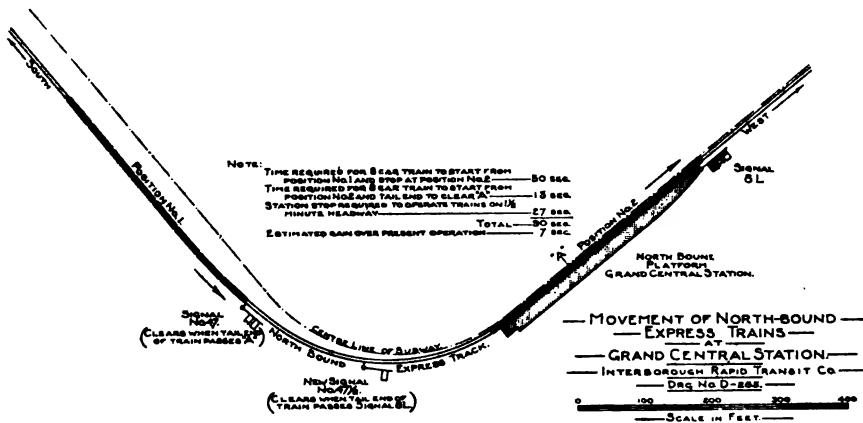
Figure No. 11—Suggested Location of Speed Control Signals on North Bound Express Tracks at Grand Central Station.

FIGURE 1.

*Interborough Rapid Transit Co.'s Drawing No. D-274.*

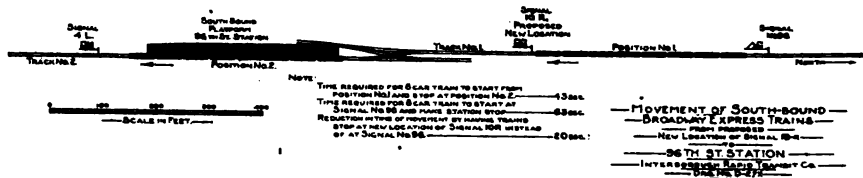
This drawing shows the present position of signals 47 and 8-L upon the north bound express track at Grand Central station. The entering train in position No. 1, is stopped at signal 47 waiting for the train in position No. 2 to leave the platform and when the rear of this leaving train passes signal 8-L it will clear signal 47 and allow train No. 2 to proceed. The overlap has been cut out of the system as originally designed for this point, so as to allow the entering train to reach signal 47 before it is stopped and thus be in a position nearer the platform than if stopped at a point one signal block further back. The drawing indicates the division of a 90 second cycle under present conditions showing that only 20 seconds is allowable for a station wait at the platform, with this arrangement.

FIGURE 2.

*Interborough Rapid Transit Co.'s Drawing No. D-285.*

This drawing shows the location of a new signal $47\frac{1}{2}$ located half way between signal 47 and the end of the platform on the north bound express tracks at Grand Central Station. Under this arrangement signal 47 will clear when the rear end of the train shown in position No. 2 passes point "A" which is shown at about $\frac{2}{3}$ car lengths from the end of the platform, and the new signal $47\frac{1}{2}$ clears when the rear end of the train passes signal 8-L. In this way the clearing of signal 47 is advanced by 7 seconds and the division of the 90 second cycle shown by the drawing indicates that the length of the allowable station wait has been increased by this arrangement from 20 seconds to 27 seconds.

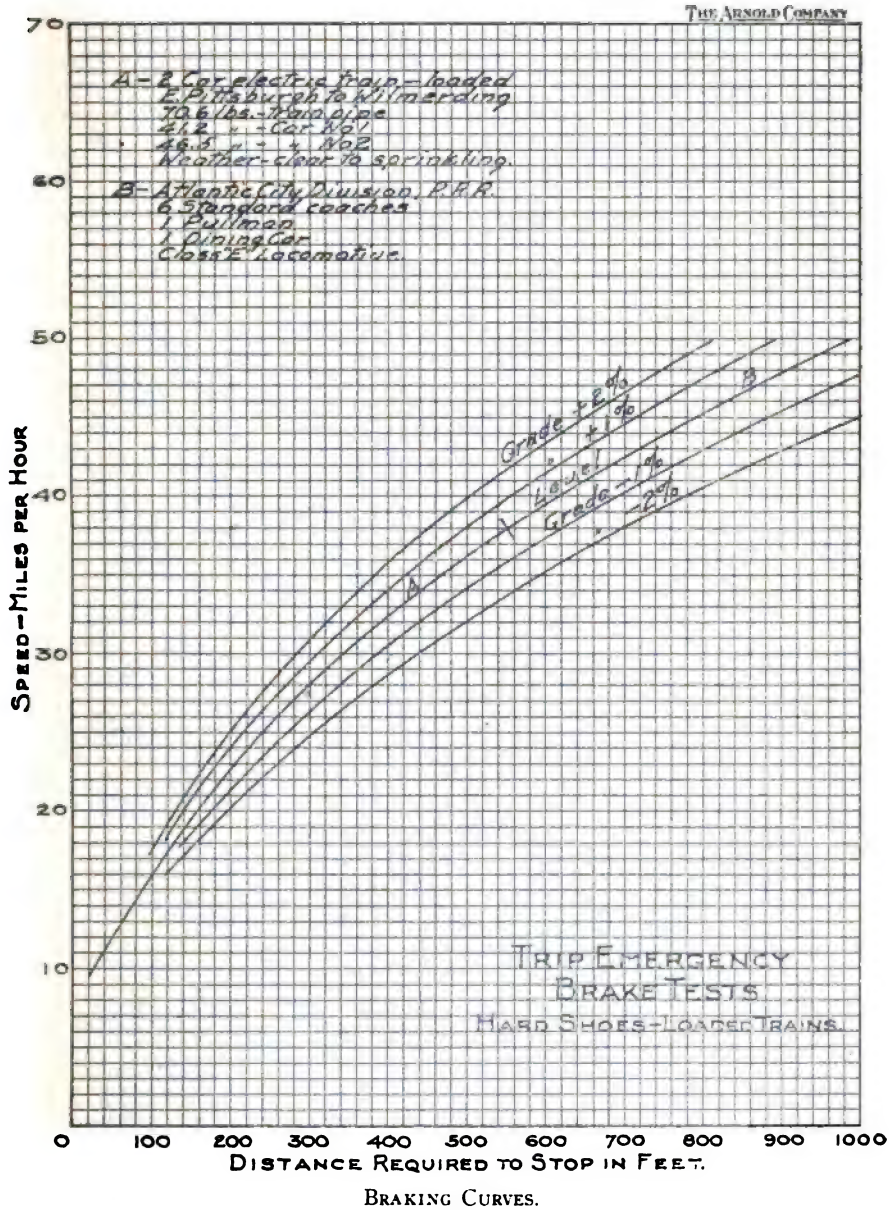
FIGURE 3.



Interborough Rapid Transit Co.'s Drawing No. D-277.

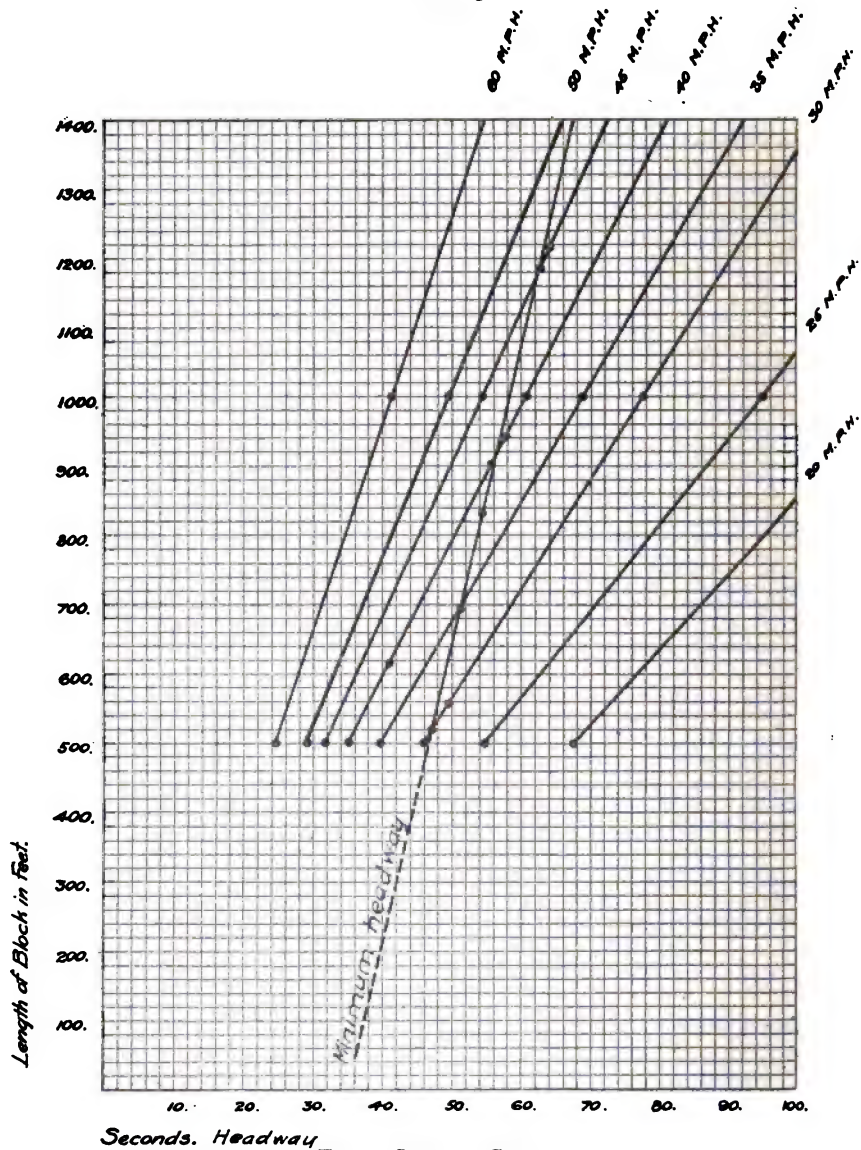
This drawing shows the proposed location of a new signal 10-R on the south bound Broadway tracks directly north of 96th Street station. At the present time all south bound trains are liable to be stopped at signal 98 from which position it requires 63 seconds to start from rest and come to a stop at the station platform. The Interborough Co.'s drawing indicates that 20 seconds of this time can be saved by moving signal 98 to a new position about 450 feet nearer the platform, but this change should not be approved owing to the fact that this new location is too near the cross over to prevent a possible accident in case the motorman failed to stop his train at the proposed signal at the time another train was using the cross over. See discussion in report for recommended plan.

FIGURE 4.



These curves were used by the designers of the Signal System for the Subway in determining the actual braking distance to be allowed at any point in the Subway. For instance, the speed of the train at a given point was predetermined and the length of the signal system block allowed at this point was determined by means of these curves, and to this distance 50% was added to insure safety. For example, at 38 miles an hour the train could be brought to rest upon a level track in 560 feet. If to this distance 280 feet (50% of 560 feet) are added the minimum length of the signal system block would be 840 feet.

FIGURE 5.



TRAIN SPACING CHART.

Showing Minimum Headway of Trains at Various Speeds.

The minimum time spacing of trains, or the "headway," is equal to the length of time required for a train to run three times the length of one signal system block plus the length of time required to run the length of the train, plus $2\frac{1}{2}$ seconds required for the clearing of the home and distance signals.

It will thus be seen that the headway depends upon the length of the signal system block and the speed at which the train is running.

The diagram shown in Figure 5 indicates the minimum headway with different lengths of blocks and at various speeds.

The minimum length of block shown in the diagram is 500 feet which is much shorter than the minimum block now in use upon level track in the Subway. Furthermore, a block distance of approximately 500 feet is necessary for the operation of a 10-car train, as the length of a block must be slightly greater than the length of a train, and it may be desirable at some future time to operate 10-car trains in the present Subway, instead of the 8-car express trains which are now run.

As the maximum speed of the Subway trains is 40 miles per hour, it will be seen that at this speed the headway varies from 35 seconds with blocks 500 feet long to 61 seconds with blocks 1000 feet long.

In referring to Figure 4, however, it will be seen that at 40 miles per hour upon a level track the actual distance required for stopping a train is 620 feet. If to this distance 50% is added for safety, the minimum length of block permissible with the maximum speed of 40 miles per hour is 930 feet. Figure 5 shows that with a block 930 feet long corresponding to a maximum speed of 40 miles per hour, the minimum headway will be 57 seconds.

In a similar manner the minimum headway of other speeds upon the chart has been determined, and a line showing this minimum headway at various speeds has been added to the diagram.

It will be noted, by this additional line, that as the maximum speed of the trains *increase* the *headway* or their minimum time interval apart *must also be increased*. That is, the length of the block as determined by the maximum speed must be increased in a greater ratio than the speed of the train is increased.

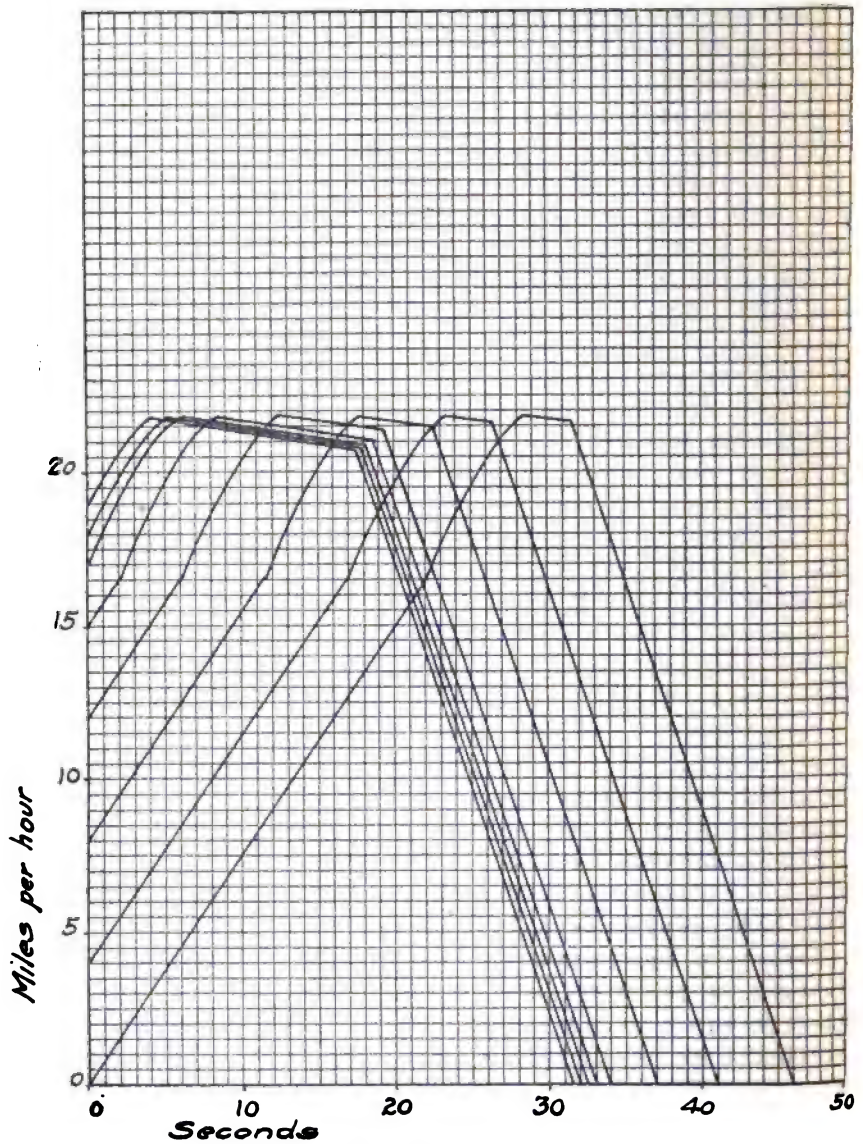
Figure 4 shows that the braking distance increases as the square of the speed, and it is on account of this law that it is impossible to increase the capacity of the Subway by increasing the speed of the trains.

The curves of Figure 5 show that if the capacity of the Subway is to be increased by *changing* the speed of the trains that the maximum speed must be *reduced* from 40 miles per hour to 30 miles per hour, and that if the minimum length of a signal system block is 500 feet—the length of a 10-car train—the critical speed for maximum capacity is 30 miles per hour.

If it were not for the frequent station stops the greatest economy in the use of power and the maximum capacity of the Subway using 10-car trains would be attained by reducing the present maximum speed, but as soon as stops are introduced

in the schedule it is necessary to sacrifice some of the possible capacity of the Subway in order to attain a satisfactory average speed. Figure 5 indicates the extent of this sacrifice.

FIGURE 6.



SPEED TIME CURVES.

Showing Run from Signal No. 47 to Platform of Grand Central Station.

This diagram shows the least practicable time that can be taken by a train before it reaches a stop at the station platform, running from Signal No. 47, protecting the northbound express track at Grand Central Station.

In all these curves acceleration has been taken at the rate of 1.3 miles per hour per second, and in braking the rate of deceleration has been shown at 1.5 miles per hour per second. The diagram shows that if the train starts from rest at Signal No. 47 it can accelerate to a speed of about 22 miles per hour, coast for three seconds and then brake to a full stop at the platform, requiring 46 seconds for the movement of the train through a distance of 769 feet.

If, however, Signal 47 is passed by the train running at the rate of 19 miles per hour, the time required to accelerate up to 22 miles per hour, then to coast and finally to brake to a position of rest at the platform will be but $31\frac{1}{2}$ seconds. In other words, if it becomes necessary to bring a train to a full stop at Signal No. 47, at least $14\frac{1}{2}$ seconds (46 seconds minus $31\frac{1}{2}$ seconds) will be added to the time required by the train to make its run plus the actual time of the stop while standing at Signal No. 47.

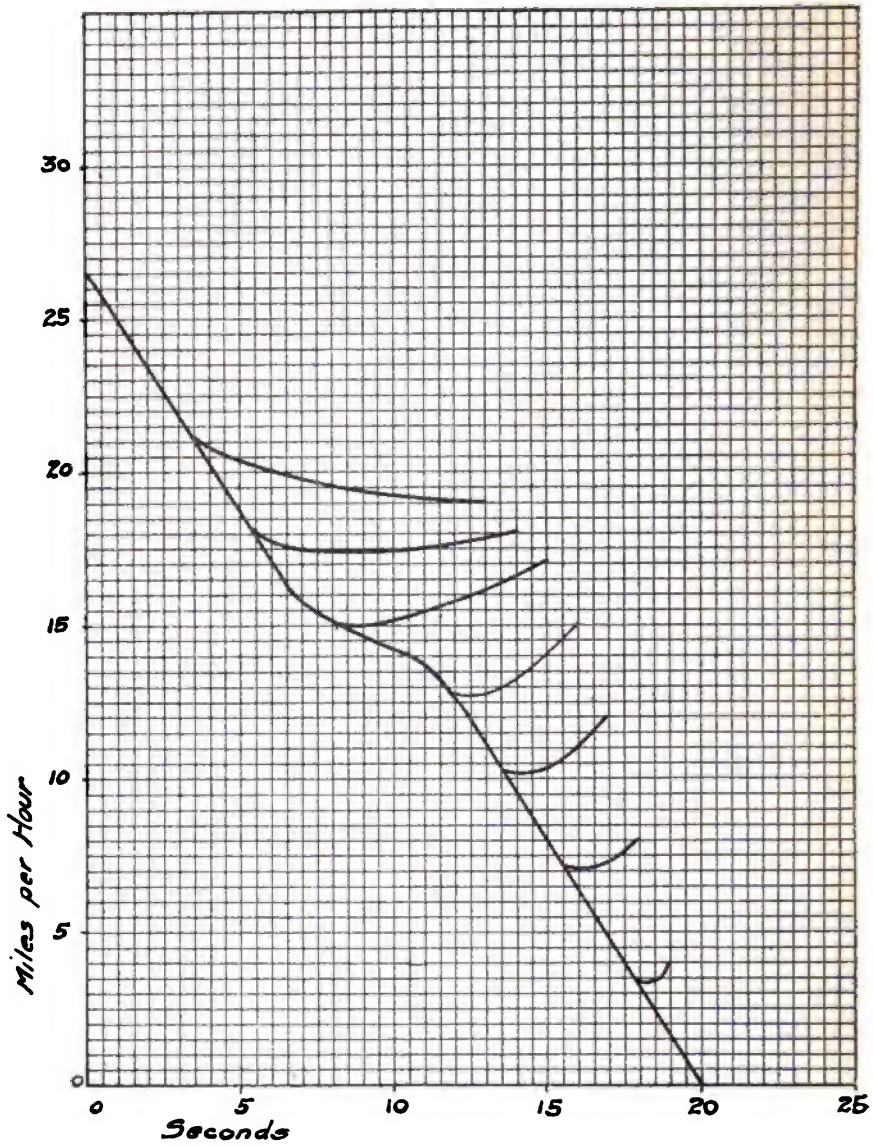
The time required to run from Signal No. 47 to a stop at the station platform passing Signal 47 at various speeds can be taken from Figure 6 as follows:

Entering Speed.	Time from Signal No. 47 to Stop at Platform.
19 miles per hour.	$31\frac{1}{2}$ seconds.
15 miles per hour.	33 seconds.
8 miles per hour.	37 seconds.
5 miles per hour.	41 seconds.
0 miles per hour.	46 seconds.

The disadvantage of a delay at the signal is shown by these figures, the additional time added to the schedule increasing rapidly as the delay approaches a full stop. As the motormen express it, "To get the train over the road, the train must be kept moving."

This Figure shows that actual stops at the signals must be avoided if possible.

FIGURE 7.



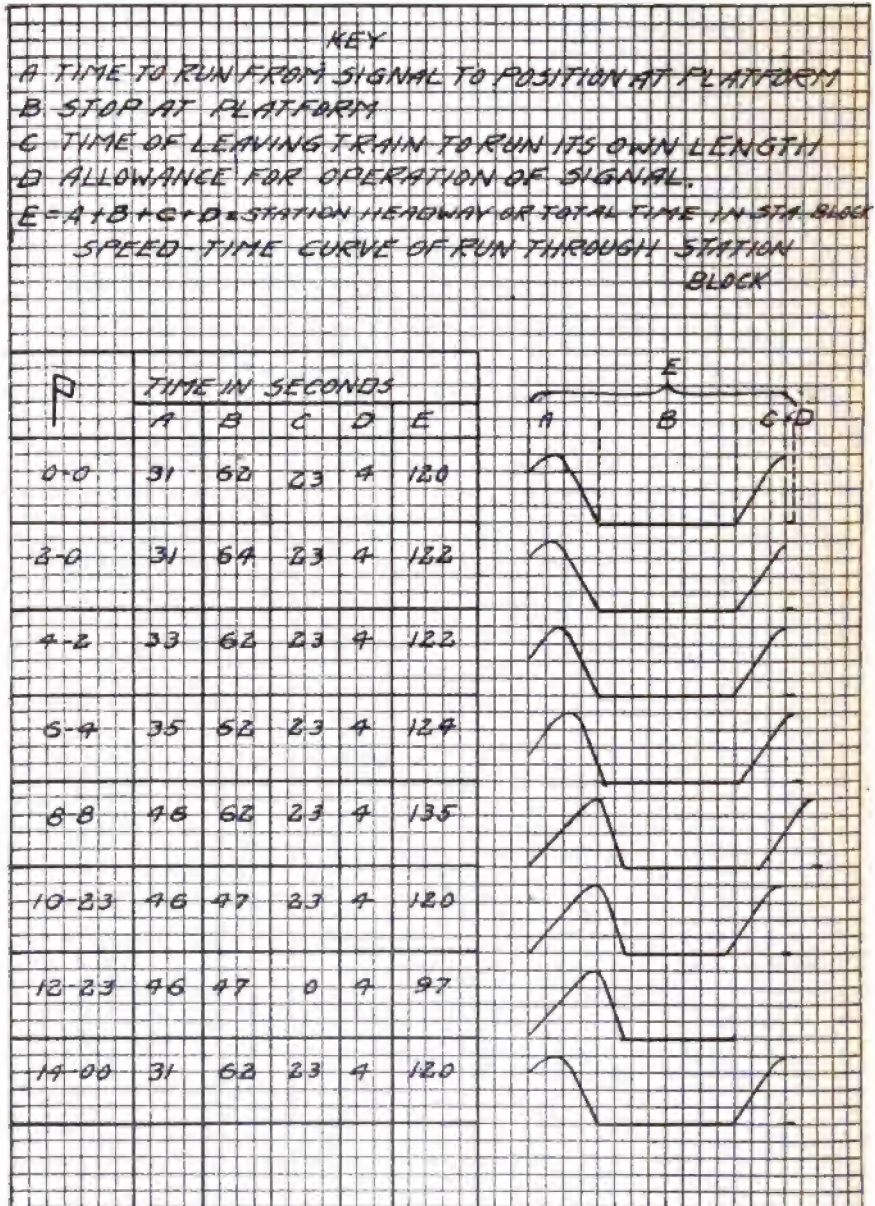
SPEED TIME CURVES.

Showing Time Required to Run Through the Block Preceding Signal No. 47.

To determine the effect of a delay in clearing Signal No. 47 upon a train approaching this signal, the curves in Figure 7 have been plotted.

If Signal 46 indicates "Caution," and Signal 47 "Danger" or "Stop," the following train will require 20 seconds to come to a stop directly opposite Signal 47 from a speed of 26 miles per hour, which is the predetermined speed at which the train should reach Signal 46. If, however, Signal 46 clears so as to allow the train to pass at its maximum speed which is permissible at this point, it will require but 13 seconds for the train to pass through the block preceding Signal 47. In other words, if a clear indication of Signal 47 is delayed 7 seconds (20 seconds minus 13 seconds) then the train will be brought to a full stop at this signal, and as shown by Figure 6 an addition of $14\frac{1}{2}$ seconds is made to the running time of the train on account of this full stop. One of the cumulative effects of a delay is thus shown, as by stopping of the train the delay of 7 seconds is at once multiplied into a delay of $14\frac{1}{2}$ seconds, or more than doubled.

FIGURE 8.



SPEED TIME CURVES.

Showing an Analysis of the Delay at Grand Central Station.

This diagram shows further the disadvantage of allowing even a small delay to creep into the schedule, and indicates why the operation of the Subway trains upon any single tracks is sensitive to a very slight derangement.

In this Figure the small diagrams at the side of the table are intended to illustrate the actual record of seconds shown in the various columns of the table.

The first row of figures show that a train entering the Grand Central Station block can come to rest at the station platform in 31 seconds, can then take 62 seconds to unload, load and start, and can then run the length of the platform in 23 seconds, leaving 4 seconds for the signal system to transmit the clear or proceed signal to the following train, the entire cycle of operation having required 120 seconds.

The next row of figures shows this same cycle of operation with the exception that the wait at the station platform has been prolonged to 64 seconds, instead of 62 seconds, thus requiring 122 seconds for the complete cycle. The effect of the extra two seconds upon the movement of the following trains is immediate.

The third row of figures shows the first effect of the delay. The following train has been delayed 2 seconds and enters the block beginning at signal 47 at a reduced speed; it therefore takes slightly longer than the previous train in coming to rest at the platform ($33\frac{1}{2}$ seconds instead of 31 seconds). With the same length of station wait as the original train (62 seconds), the cycle of this third train will require 122 seconds, and the resulting delay of 2 seconds is added to the first delay of 2 seconds, making a total of 4 seconds to be transmitted by means of the signal system to the fourth train.

This 4 second delay will cause a corresponding delay in the time of the fourth train, thus making a total delay of 8 seconds, and this delay is sufficient to bring the fifth train to a complete stop at Signal 47.

The fifth train starting from a complete stop will require 46 seconds to reach a stop at the station platform, and this time added to 62 seconds platform wait and to the time required to clear the platform and give the proceed signal, will cause this fifth train to occupy the station block for 135 seconds, or 15 seconds over time.

The sixth train will thus encounter a delay of 23 seconds (15 seconds plus 8 seconds) which is automatically accumulated from the original delay in the schedule of but 2 seconds.

To maintain a headway of 120 seconds with each train stopping at Signal 47 will require that all the platform waits be limited to 47 seconds, and it is absolutely impossible to so limit these station waits to 47 seconds with the present end door cars. Any stop exceeding 47 seconds simply adds to the delay of the following trains.

In the next row of figures showing the history of the sixth train, it will be seen that the train starts from a full stop at Signal 47 and reaches a stop at the platform in 46 seconds—the station wait is shown as requiring 47 seconds but the proceed signal to the following train has been given at the time of the starting of the train

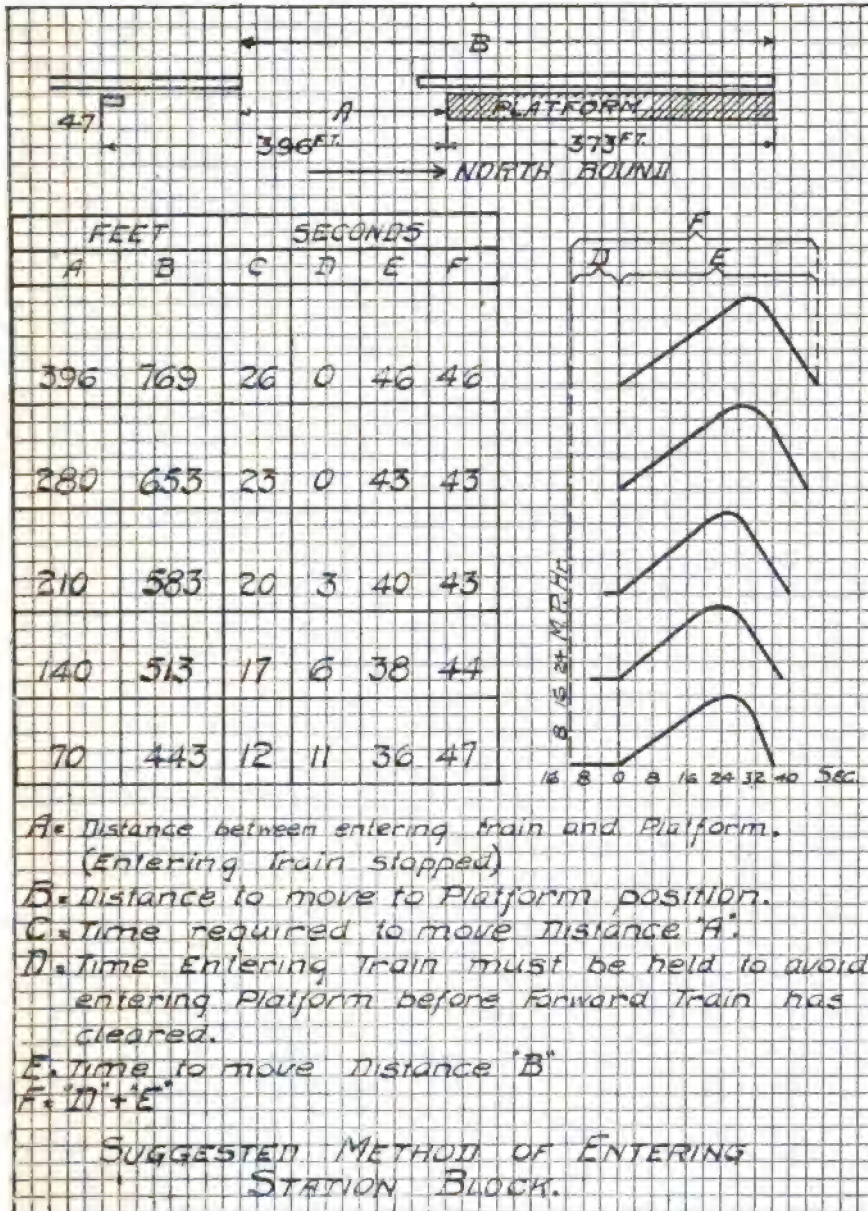
away from the platform instead of waiting until the train has entirely left the platform; that is, the clearing of Signal 47 has been advanced a full 23 seconds in order to show clearly the benefits to be expected by overlapping one cycle of operations on the following cycle. The time of 4 seconds required for the operation of the signal including the time required for the motorman to act has been retained at 4 seconds as in all previous cases.

The elimination of the 23 seconds makes the cycle of operations for the sixth train only 97 seconds long, and the removal of the 23 seconds from the possible delay of the seventh train will allow the seventh train to pass Signal 47 at full speed and to pull into the station and stop in 31 seconds as originally intended. Thus the 120 second headway with the 62 second station wait can be resumed and continued until for some reason a prolonged station wait introduces another delay which by its cumulative action will again derange the regular periodicity of the train movement.

The action of the permissive signal system indicated by this diagram shows how the removal of 23 seconds may be compared to the taking out of a link in a chain which has become loose, and the diagrams indicate that if occasionally a train is advanced a number of seconds closer to the preceding train than is now allowed by the inflexibility of the signal system, the disastrous results of the cumulative effects of a delay can be removed.

The occasional operation of the suggested permissive signal under the safeguards recommended in the Report upon the Subway Signal System is practically the only method at present known to me by which the trains could be advanced and the schedule straightened out.

FIGURE 9.



SPEED TIME CURVES.

Showing Economical Location of Signals.

This diagram shows the effect upon the headway of allowing the following train to pass Signal 47 and to approach nearer the station platform before it stopped. At the present time Signal 47 is 396 feet south of Grand Central Station platform on the northbound express tracks. After the motorman gets the signal to proceed at this point and starts his train it requires 46 seconds to accelerate the train and brake it to a complete stop at the station platform, after having moved a distance of 769 feet (396 ft. plus 373 ft.), and this cycle is shown by the first row of figures and illustrated by Figure 9.

Now suppose the train is allowed to approach within 280 feet of the platform, as shown by the second row of figures, from this position the train can start at the same time that the train at the platform begins to move and in 23 seconds it will reach the end of the platform at practically the instant that the rear end of the leaving train has cleared the other end of the platform; that is, the two trains will be the length of the platform apart. This point, which is 280 feet in the rear of the platform is the nearest possible position in which the following train can be brought to rest and get the proceed signal at the time that the leaving train begins to move, and at the same time move with safety towards the platform. If the train is brought any closer to the platform this proceed signal must be delayed or the entering train will reach the platform before the leaving train has entirely cleared it.

The distance between the platform and the point at which the following train is brought to a full stop before it is allowed to approach the platform can be reduced if the proceed signal is delayed sufficiently long so that the entering train does not reach the platform before the leaving train entirely clears it.

The third row of figures shows the effects of reducing this distance to 210 feet. From this position the platform can be reached by the following train in 20 seconds, and as it requires 23 seconds for the leaving train to clear the platform it will be necessary to delay the giving of the proceed signal for 3 seconds, and the time required by the following train to run the 140 feet to the station platform plus the length of the platform, or a total distance of 583 feet, will be 43 seconds.

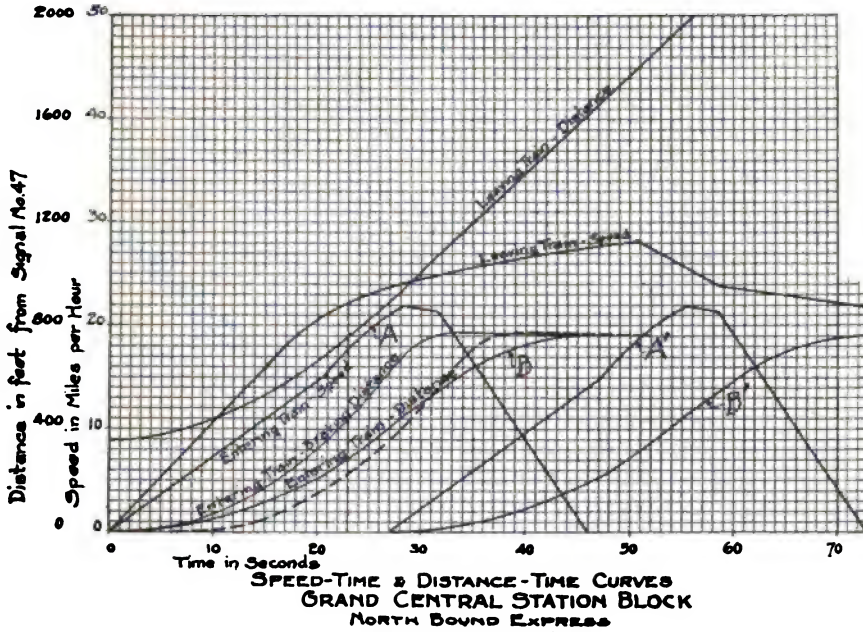
In a similar manner the next row of figures shows that if a train is allowed to come to a stop at a point 140 feet from the platform the time required from the starting of one train at the platform until the next train comes to a stop at the platform will be 44 seconds.

The last row of figures indicates that if the following train is brought within 70 feet of the platform that the time elapsing between the starting of the train and the stopping of the next one will be 47 seconds.

In other words, after a certain point has been reached, the nearer the following train is brought toward the platform, the greater will be the time required between the closing of the doors of one train and the opening of the doors of the next one, and these figures indicate that the economical distance at which the following train can be brought to the rear of the platform is between 210 and 280 feet.

In making this comparative study the time which is required for the motorman to act after getting the signal and also the time required by the signals themselves to operate has been eliminated, and this time is the same in all cases, and, therefore, would not affect the result.

FIGURE 10.



SPEED TIME AND DISTANCE TIME CURVES.

Showing Movement of Northbound Express Train at Grand Central Station.

This figure indicates the history of two trains on the northbound tracks at Grand Central Station; one train is leaving the station and the other is entering the station. The leaving train reaches a speed of 22 miles per hour in 23 seconds, while the entering train, if it should start at the same time, can only attain a speed of 18 miles an hour in 23 seconds on account of the curve which it encounters in approaching the station platform.

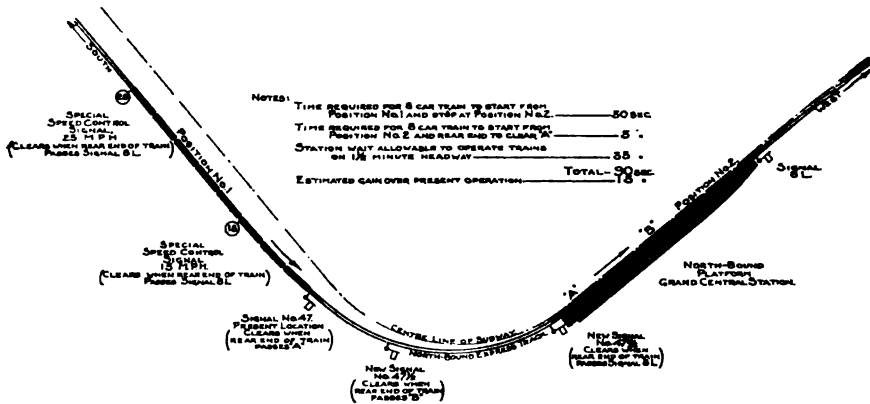
The distance traveled by the rear end of a leaving train has been shown by the diagram as well as the distance traveled by the front end of the following train, and it will be seen that on account of the lower speed of the following train the distance apart of the two trains is constantly increasing.

Another curve has been added to the diagram which shows the distance which the following train would travel before coming to a stop in case it should be necessary to apply the emergency brakes and stop the train; and this curve indicates that the

following train is never in dangerous striking distance of the leaving train, even if the following train should start to move from Signal 47, as at present located, at the same time that the leaving train starts to leave the platform.

The heavy dotted line indicates the situation that would exist if the proceed signal were advanced only 17 seconds instead of 23 seconds, as suggested in the Report, and this dotted line also indicates that the factor of safety connected with this cycle of operations is much greater than is actually required.

FIGURE II.



Suggested Location of Speed Control Signals on North Bound Express Tracks—Grand Central Station.

This diagram is similar to Figure 2 and indicates the approximate location of two auxiliary speed control signals which can be installed on the north bound express tracks at Grand Central Station without interfering with the present signal system or with the changes proposed by the Interborough officials.

One signal which will allow the train to pass providing its speed has been reduced to 15 miles per hour is located 150 feet south of signal 47 and the other signal which is to be adjusted to stop the train if its speed exceeds 25 miles per hour is located 450 feet in advance of signal 47.

Both of these signals will be in operation while a train is at the station platform ready to stop a following train if it exceeds the indicated speeds while approaching the station and they do not clear until the first train has entirely left the platform. The entering train, however, can have its speed reduced and approach the platform and come to a stop at signal 47 without any further delay than experienced with the present signal system. The two speed control signals contribute the factor of safety that is now lacking as these signals prevent a train reaching signal 47 at full speed, when there is a train at the platform.

When these signals have been installed and their reliability has been demonstrated, a further change can be made in the signals protecting the train leaving the platform

by moving the point "A" nearer the rear end of the platform and introducing a new point "B" between point "A" and signal 8-L. At the same time, signal 47½ should be moved 50 feet nearer signal 47 and a new signal 47¾ installed at the rear end of the platform.

The cycle of operation of these signals will be as follows:

The *leaving train* will pass point "A" and clear signal 47 within 5 seconds after it starts to leave, it will pass point "B" and clear signal 47½ within 15 seconds after it starts to leave, and it will pass signal 8-L and clear signal 47¾ within 23 seconds after it starts to leave.

The *entering train* will leave signal 47 within 8 seconds after the leaving train has started. It cannot reach signal 47½ even if it accelerates at the highest possible rate until 20 seconds after the beginning of the cycle or 5 seconds after the signal has cleared and cannot reach signal 47¾ until 30 seconds have elapsed or 7 seconds after the leaving train has entirely left the platform.

A study of the diagram shown in Figure 10 in connection with this proposed arrangement of signals will show that this cycle of operations can be carried out with perfect safety, and that a 90 second headway with a 35 second wait at the platform can be maintained, as indicated by the table shown with Figure 11.

There is a possibility of saving even more than the 15 seconds indicated by moving signal 47 to within 250 feet of the end of the platform. If the entering train is stopped at and started from this position, the time allowable for a platform wait can be increased from 35 seconds to 40 seconds, and still maintain the desired 90 seconds headway.

Additional time can be secured to be added to the time allowed for this actual station wait or to compensate for irregular running of the trains by increasing the rate of acceleration—by increasing the rate of deceleration and by installing signals using two sets of lights instead of the present type of signals using a moving disk, and one lamp for each indication. The possible total saving due to these refinements amounts to from 5 to 10 seconds and these savings will be found to be important items when an attempt is made to maintain a 90 second headway.

O-343

The following resolution was thereupon moved and duly seconded:

ORDER (No. 343).

In the Matter
of
The application of the Interborough Rapid
Transit Company for permission to make
changes in signal system.

Whereas, Application has been made by the Interborough Rapid Transit Company for permission to make certain changes in the signal system at, or near, the express stations on the express tracks in the subway, as shown on certain drawings marked "D-277" and "D-285" submitted by said Company; and

Whereas, Said plans have been examined by the Engineers of the Commission and approved by them with certain modifications, set forth in a certain report, dated January 18, 1908, entitled "The Subway Signal System", made by Bion J. Arnold, one of said Engineers;

Now therefore be it Resolved, That the said application of said Interborough Rapid Transit Company be and the same hereby is granted, and said Company is hereby authorized to make said changes in said signal system, provided that the same be modified to conform to the recommendations made by said Arnold in said report, and provided further that the said Company will proceed forthwith, to the best of its ability, to develop and put into experimental operation, subject to inspection at all times of the Engineers of the Commission, a speed control signal system, intended to accomplish the results set forth and described in said report of said Arnold, as given in recommendation 1 and 2 thereof.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(5)

1334

On motion, duly seconded, it was

Resolved, That the transfer be approved of Mary C. Fitzpatrick, Stenographer, salary, \$1,080 per annum, from the employ of this Commission to that of the State Board of Tax Commissioners, Albany, New York, to take effect March 17, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(6)

3164

The Secretary presented a communication from Edward M. Shepard, Chairman of the Board of Trustees of the College of the City of New York, requesting that the name of the 137th Street station of the Broadway Branch of the Subway, be changed to "City College" station. On motion, the communication was referred to Commissioner Maltbie.

(7)

O-333

The Secretary presented the following order:

TARIFF ORDER (No. 333).

The order of the Commission, being Order No. 333, permitting the New York Central and Hudson River Railroad Company to put into effect, upon one day's notice, after filing with this Commission and publication at stations, a rate of Two Dollars (\$2.00) per head on cattle, irrespective of weight, in less than carload shipments, from points on the Putnam Division south of and including Dunwoodie, to the 130th, 60th and 33d Street stations, New York City, when loaded into pick-up cars on Tuesdays, was approved, confirmed and ordered filed in the office of the Commission.

(8)

O-334

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 334).

In the Matter
of

The hearing upon motion of the Commission upon the question of improvements in and additions to the service and transportation facilities of the Nassau Electric Railroad Company.
"Station at Twenty-fifth Avenue on the West End Line."

It is hereby

Ordered, That a hearing be had on the 25th day of March, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices, equipment, appliances or service of the Nassau Electric Railroad Company, in respect to transportation of persons in the Borough of Brooklyn, State of New York, are unreasonable, improper or inadequate, and whether changes, improvements and additions thereto ought reasonably to be made in the manner below set forth, in order to promote the security and convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether a change, addition and improvement in regulations, practices, equipment, appliances and service of the said company, as hereinafter set forth, are such as may be just, reasonable, adequate and proper and ought reasonably to be made to accommodate the passenger traffic offered to it and to promote the convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, that is to say:

Whether the following changes, additions and regulations should be put into effect:

(1) That the said Nassau Electric Railroad Company cause all trains from Coney Island bound for New York to make a regular stop for taking on North-bound passengers, immediately North of Twenty-fifth Avenue.

(2) That said Company discontinue the use of the present station directly south of Twenty-fifth Avenue upon the East side of the tracks.

(3) That said Company construct a suitable shelter and enclosed waiting-room on the Northwest corner made by the intersection of the Company's private right of way and Twenty-fifth Avenue, to be situated so as not to interfere with the view of trains approaching from the North or the South.

(4) That said Company build a plank crossing of the usual type for the use of passengers crossing from the proposed shelter to the platform on the northerly side of the tracks, said planking to be about twenty feet wide.

(5) That said Company instal a suitable system whereby to inform passengers as to whether the next New York bound train will leave from the yard north and west from the proposed shelter station, or from the platform on the northerly side of the private right of way.

And if any such changes, regulations, improvements and additions be found to be such as ought to be made as aforesaid, then to determine the details of such changes, improvements and additions and to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further ordered, That the said Nassau Electric Railroad Company be given at least ten days' notice of such hearing, by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to conduct the hearing.

(9)

O-335

The Secretary presented the following order:

COMPLAINT ORDER (No. 335).

William C. Stiles, Complainant,
against

Interborough Rapid Transit Company,
Defendant.

The order of the Commission, being Order No. 335, for satisfaction or answer within ten (10) days, as to ticket booths in the Subway station at Brooklyn Bridge, was approved, confirmed and ordered filed in the office of the Commission.

(10)

2125

The Secretary presented a communication from Joseph G. Robin, transmitting a memorandum and map with regard to a proposed extension of the subway from East 177th Street and Boston Road to Pelham Bay Park, by way of Morris Park Avenue; suggesting that if this change be made the Westchester Avenue route be deflected toward the southeast, in order to serve the Throgg's Neck district; and offering further information, if desired. On motion, the communication was referred to Commissioner Eustis.

(11)

O-336

Commissioner Eustis moved the adoption of the following final order which was duly seconded:

FINAL ORDER (No. 336).

In the Matter
of

The Hearing on the Motion of the Commission, on the question of Repairs, Improvements and Additions to Equipment and Appliances, including rolling stock, of the Union Railway Company, in the particulars hereinafter set forth.

An order, known as Order Number 222, having been made by the Commission on the 28th day of January, 1908, directing that a hearing be held to inquire whether the equipment, appliances and devices of the Union Railway Company, in respect of transportation of persons or property in the First District, are unsafe, improper or inadequate, and whether repairs, improvements, changes and additions ought reasonably to be made in order to promote the security and convenience of the public and the employees of said company, and to secure adequate service or facilities for the transportation of persons or property, and if so, whether the repairs, improvements, changes or additions as in said order set forth are such as would be reasonable, safe, adequate and proper and ought reasonably to be made to promote such security and convenience of the public and said employees, and to secure adequate service and facilities for the transportation of passengers or property, and said order having been duly served on the Union Railway Company on the 29th day of January, 1908, and said service having been duly acknowledged by said company, and said hearing having been duly had in pursuance thereof before the Commission on the 10th day of February, 1908, the 19th day of February, 1908, and the 10th day of March, 1908, Commissioner Eustis presiding, Mr. Henry H. Whitman appearing as Counsel for the Commission, and Mr. George W. Davison appearing as Counsel for the Union Railway Company, and it appearing in the opinion and judgment of the Commission that the equipment, appliances and devices of the Union Railway Company, in respect of the transportation of persons or property in the City of New York, are unsafe, improper and inadequate, and that the repairs, improvements, changes and additions hereinafter directed ought reasonably to be made in order to promote the security and convenience of the public and the employees of said company, and to secure adequate service and facilities for the transportation of persons or property, and that the time hereinafter given within which to make such repairs, improvements, changes and additions is reasonable.

It is Ordered, That the cars of the said Union Railway Company receive a thorough inspection covering car bodies, motor and electric equipment, wiring and trucks, and that said cars be thoroughly overhauled and repaired, substantially as outlined in said Order Number 222, as thereafter amended, so that when completed their condition shall be substantially new, having safe, proper and adequate car bodies, car seats, wheel guards, head-lights, pilot boards, wiring, brasses, commutators, field coils, armature

windings, trucks, brakes, controllers, automatic circuit breakers, resistances, axle gear wheels, armature pinions, car wheels, car lights, car wiring and lightning arresters; and it is further

Ordered, That the appliances and devices of said company be repaired, improved or changed, substantially as outlined in said order Number 222, as thereafter amended, so that the same when completed shall be substantially new, having safe, proper and adequate drawbridge connections, including drawbridge track frogs, overhead trolley wires, span wires, pull-off and strain wires, pole brackets, feeder wires, lightning arresters, poles, troughs and other overhead appliances; and it is further

Ordered, That all of the open cars of said company be so repaired as aforesaid on or before the 31st day of May, 1908, and that all the closed cars of said company be so repaired as aforesaid on or before the 20th day of September, 1908, and that said repairs, changes, improvements and additions to said other appliances and devices of said company be completed on or before the 31st day of May, 1908; and it is further

Ordered, That the said Union Railway Company notify the Commission weekly in writing, in a form to be prescribed by the Commission, of the number of said cars so repaired as aforesaid, giving identification numbers thereof, and when and where the same can be inspected; and it is further

Ordered, That from and after the 23rd day of March, 1908, said Union Railway Company forward daily to the Commission a transcript of the daily entries in its so-called "run in" book or books, showing among other things which of said cars have been out of order, and in what respect; and it is further

Ordered, That said Union Railway Company notify this Commission in writing within five days after the service of this order whether its terms are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(12)

O-337

Commissioner Eustis moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 337).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service and Equipment of the Interborough Rapid Transit Company, in the particulars hereinbelow mentioned.

Third Avenue Elevated.

Under Order for Rehearing No. 246, made February 7th, 1908.

This matter coming on upon the report of the rehearing under Order No. 221 had herein on the 17th day of February, 1908, and it appearing that said rehearing

was held by and pursuant to an order of this Commission dated February 7th, 1908, No. 246, and returnable on the 17th day of February, 1908, and that the said order was duly served upon the Interborough Rapid Transit Company and that the said service was by it duly acknowledged and that the said rehearing was held by and before the Commission on the matters in said order for rehearing specified on February 17th, 1908, before Mr. Commissioner Eustis, presiding, Grosvenor H. Backus, Esq., Assistant Counsel, appearing for the Commission and Alfred A. Gardner, Esq., appearing for the Interborough Rapid Transit Company and proof being taken,

Now, after the proceedings upon said rehearing and after consideration of the facts, including those arising since the making of the Order No. 221, the Commission being of opinion that the original Order No. 221 for the improvement in and addition to the equipment and service of the Interborough Rapid Transit Company should be changed and modified in certain particulars,

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the Order No. 221, issued January 28, 1908, and directed to the improvement in and additions to the equipment and service of the Interborough Rapid Transit Company be and the same is hereby changed and modified to read as follows:

STATE OF NEW YORK, PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

In the Matter

of

The Hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service and Equipment of the Interborough Rapid Transit Company, in the particulars hereinbelow mentioned.

Third Avenue Elevated.

Under Order for Hearing No. 145, made December 9th, 1907, and

Order for Rehearing No. 246, made February 7th, 1908.

This matter coming on upon the report of the hearing had herein on the 20th day of December, 1907, and the adjournments thereof, and it appearing that the said hearing was held by and pursuant to an order of this Commission No. 145, made December 9th, 1907, and returnable on the 20th day of December, 1907, and that the said order was duly served upon the Interborough Rapid Transit Company and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on the 20th day of December, 1907, and by adjournment duly had on the 26th day of December, 1907, and by adjournment duly had on the 21st day of January, 1908, and that at each of said sessions Mr. Commissioner Eustis presided and proof being taken and Grosvenor H. Backus, Esq., Assistant Counsel, appearing for the Commission at each of said sessions and Alfred A. Gardner, Esq., appearing for said Interborough Rapid Transit Company,

Now, the Commission being of the opinion after the proceedings upon the said hearing that the regulations, practices, equipment, appliances and service of the Interborough Rapid Transit Company in respect to the transportation of persons in the First District have been and are in certain particulars unreasonable, improper and inadequate and in the judgment of the Commission certain changes, improvements and additions thereto being such as ought reasonably to be made in the manner below set forth, in order to promote the security or convenience of the public or in order to secure adequate service and facilities for the transportation of passengers and it being the judgment of the Commission that the changes, additions and improvements in regulations, equipment, appliances and service of the said company as below set forth are such as are just, reasonable and proper and ought reasonably to be made to promote the security and convenience of the public,

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, as follows: that the Interborough Rapid Transit Company increase its said service upon its Third Avenue Elevated line in the particulars and in the manner hereinafter stated and at the times hereinafter set forth, except on Saturday afternoons, Sundays and holidays, to wit:

South Bound Service.

So that said company shall operate at least ninety-four (94) trains of seven (7) cars each, south bound, past 34th Street Station, between the hours of 7 A. M. and 9 A. M.

North Bound Service.

(1) So that said company shall operate at least fifteen (15) trains of seven (7) cars each north bound past 42nd Street Station, between 4.30 P. M. and 5.00 P. M., of which at least ten (10) trains of seven (7) cars each shall be Bronx Park trains.

(2) So that said company shall operate at least eighty-eight (88) trains of seven (7) cars each, north bound past 42nd Street Station, between 5.00 P. M. and 7.00 P. M., of which at least sixty-seven (67) trains of seven (7) cars each shall be operated to or north of Tremont Avenue Station.

And it is further Ordered, That this order take effect on or before the 18th day of March, 1908, and shall remain in force until modified by the further order of this Commission, but without prejudice to an order for further or additional hearings and action thereon by the Commission in respect to anything herein prescribed or in respect of anything covered by the order for hearing herein;

And it is further Ordered, That before the 18th day of March, 1908, the said Interborough Rapid Transit Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(13)

O-338

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 338).

Bird S. Coler, President, Borough of
Brooklyn,

Complainant,

against

Nassau Electric Railroad Company,
Defendant.

"Repairs on Farragut road."

An order, No. 316, having been made herein on or about the 6th day of March, 1908, ordering and directing the Nassau Electric Railroad Company to inform the Public Service Commission for the First District, within five (5) days after service of said order, whether the terms are accepted and will be obeyed, and the said Nassau Electric Railroad Company having, on the 11th day of March, applied in writing for an extension of such time,

Now, on motion made and duly seconded, it is

Ordered: that the time within which the Nassau Electric Railroad Company shall make answer to said Order No. 316 be, and the same hereby is, extended to and including the 17th day of March, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(14)

O-339

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 339).

Bird S. Coler, President, Borough of
Brooklyn,

Complainant,

against

Brooklyn City Railroad Company, Brook-
lyn Heights Railroad Company, Nassau
Electric Railroad Company,
Defendants.

Repairs on Nassau Avenue, Franklin
Street, etc.

An order, No. 318, having been made herein on or about the 6th day of March, 1908, ordering and directing the Brooklyn City Railroad Company, the Brooklyn Heights Railroad Company, and the Nassau Electric Railroad Company, to inform the Public Service Commission for the First District, within five (5) days after service of said order, whether the terms are accepted and will be obeyed, and the said Nassau Electric Railroad Company having, on the 11th day of March, applied in writing for an extension of such time,

Now, on motion made and duly seconded, it is

Ordered, That the time within which the Brooklyn City Railroad Company, the Brooklyn Heights Railroad Company, and the Nassau Electric Railroad Company, shall make answer to said Order No. 318 be, and the same hereby is, extended to and including the 17th day of March, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(15)

O-340

The Secretary presented the following order:

COMPLAINT ORDER (No. 340).

Leonard Rose,
Complainant,
against
Coney Island and Brooklyn Railroad Com-
pany,
Defendant.

The order of the Commission, being Order No. 340, for satisfaction or answer within ten (10) days, as to service on Covert Avenue and Stanhope Street lines, was approved, confirmed, and ordered filed in the office of the Commission.

(16)

2092

The Secretary presented the following requisition of the Degnon Contracting Company, together with the certificate of the Chief Engineer approving same and Voucher No. 000828, as approved by the Committee on Audit:

THE DEGNON CONTRACTING COMPANY,
OFFICE OF THE CONTRACTOR, 60 WALL STREET,
NEW YORK, March 5, 1908. }

Requisition No. 8—For work done and materials furnished under contract dated April 27th, 1907, for the construction of Section No. 9-0-2 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 29th day of February, 1908, as follows:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$89,266 10	\$592,551 35
Amount previously estimated.....		503,285 25
Amount of present estimate.....	\$89,266 10	\$89,266 10
Deduct 10%.....	8,926 61	8,926 61
Requisition for amount due for work done and materials furnished during the month.....	\$80,339 49	\$80,339 49

DEGNON CONTRACTING COMPANY,

By H. C. SANFORD, Chief Engineer.

Certificate No. 8—I hereby certify that the work done and materials furnished under contract dated April 27th, 1907, for the construction of Section 9-0-2 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 8 of date Mar. 5, 1908, is made by The Degnon Contracting Company, the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Eighty Thousand, Three Hundred Thirty-Nine and 49/100 Dollars, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, The Degnon Contracting Company, has made requisition on this Commission, numbered No. 8, and dated March 5, 1908, for work done and materials furnished under contract dated April 27th, 1907, for the construction of Section 9-0-2 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 29th day of February, 1908, amounting to (\$80,339.49) Eighty thousand, three hundred and thirty-nine dollars and forty-nine cents, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved: That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(17)

2093

The Secretary presented the following requisition of the Cranford Company, together with the certificate of the Chief Engineer approving same and Voucher No. 000829, as approved by the Committee on Audit:

CRANFORD COMPANY,
OFFICE OF THE CONTRACTOR, 190 MONTAGUE STREET, }
BROOKLYN, NEW YORK, February 29th, 1908.

Requisition No. 7—For work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of the City of New York, to 29th day of February, 1908, as follows:

	For Month.	Total
Total to date relating to the Contract value of the whole work.....	\$60,146 40	\$304,535 50
Amount previously estimated.....		244,389 10
Amount of present estimate.....	\$60,146 40	\$60,146 40
Deduct 10%.....	6,014 64	6,014 64
Requisition for amount due for work done and materials furnished during the month.....	\$54,131 76	\$54,131 76

CRANFORD COMPANY, Contractor.

Per C. A. ANGELL, Treasurer.

Certificate No. 7—I hereby certify that the work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of the City of New York, for which Requisition No. 7 of date February 29, 1908, is made by Cranford Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Fifty-four Thousand One Hundred Thirty-one and 76/100 Dollars, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission

For the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Cranford Company, has made requisition on this Commission, numbered No. 7, and dated February 29, 1908, for work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of the City of New York, to the 29th day of February, 1908, amounting to (\$54,131.76) Fifty-four Thousand One Hundred and Thirty-one Dollars and Seventy-six cents, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(18)

2090

The Secretary presented the following communication from the Counsel to the Commission:

March 12, 1908.

Public Service Commission for the First District;

SIRS—In accordance with a resolution recently passed by the Commission, directing me to prepare forms of resolutions for the condemnation of property required for the construction of the Brooklyn Loop Lines in Manhattan, I transmit herewith the necessary papers for instituting two condemnation proceedings. These are maps or plans, including a memorandum and a proposed resolution covering parcels of property known as 166 Centre Street, 157-163 Centre Street, 193-197 Centre Street, 199-201 Centre Street and a certain other parcel at the corner of Centre and Lafayette Streets; and also maps or plans, including a memorandum and a proposed resolution covering parcels of property known as 133-137 Centre Street, 139-143 Centre Street, 145-149 Centre Street, 151-155 Centre Street and 152-158 Centre Street.

There is now pending a proceeding to condemn parcels of property known as 142 Centre Street, 144 Centre Street, 146, 148 and 150 Centre Street, 111, 113, 115, 117, 119, 121, 123 and 125 Walker Street. This matter is returnable on the 24th inst.

The Commission has recently passed a resolution directing the Corporation Counsel to commence another proceeding to condemn parcels of property known as 156 Elizabeth Street, 154 Elizabeth Street, 170 and 170½ Bowery, 168 Bowery, 174 Bowery, 176 Bowery, 162 Elizabeth Street and 164 Elizabeth Street. It is proposed to condemn the fee of all the properties mentioned except 123-125 Walker Street, 156 Elizabeth Street, 154 Elizabeth Street, 162 Elizabeth Street and 164 Elizabeth Street, where permanent and temporary easements are to be taken.

The proceeding now pending to condemn the remaining parcels of property needed for the subway, 7-11 Cleveland Place, 3-5 Cleveland Place, 404 Broome Street, 402 Broome Street, 400 Broome Street, 398 Broome Street, 396 Broome Street, 185 Mulberry Street, 187-189 Mulberry Street and a certain Plot X situated on the south side of Delancey Street Extension between Cleveland Place and Mulberry Street, will have to be discontinued and a new proceeding instituted by reason of the change of route affecting the extent of the easements sought to be condemned.

I therefore enclose a form of resolution directing the Corporation Counsel to discontinue that proceeding. I have prepared and will submit, as soon as I am advised by the Corporation Counsel that the proceeding has been discontinued, new maps or plans, including a memorandum and proposed resolution. It is proposed to condemn the fee of these parcels last mentioned except 7-11 Cleveland Place, 398 Broome Street, 396 Broome Street and 185 Mulberry Street.

Respectfully yours,

(Signed)

GEO. S. COLEMAN,

Counsel to the Commission.

The following resolution was moved and duly seconded:

Whereas, In pursuance of a resolution of the Commission, duly adopted on September 9th, 1907, the Corporation Counsel of The City of New York duly instituted condemnation proceedings to acquire certain permanent and perpetual underground rights, easements and rights of way and also certain temporary rights or easements for the construction, maintenance and operation in perpetuity of a rapid transit railroad, in accordance with the routes adopted by the Board of Rapid Transit Railroad Commissioners and duly approved by the Board of Estimate and Apportionment of The City of New York and by the Mayor of The City of New York and consented to by an order of the Appellate Division of the Supreme Court, First Judicial Department, in certain real property shown and described upon certain maps or plans marked "Public Service Commission for the First District, Chief Engineer's Office, Route No. 9-0-4. Drawing No. 1, August 13th, 1907, George S. Rice, Chief Engineer," and known as Nos. 396, 398, 400, 402 and 404 Broome Street, Nos. 1, 3, 5, 7, 9 and 11 Cleveland Place, 187 Mulberry Street, 189 Mulberry Street, and a certain plot shown on said maps or plans as "Plot X" in The City of New York, Borough of Manhattan, which said condemnation proceedings are still pending and undetermined, no commissioners having been appointed therein and the proceeding having been adjourned by the Court from time to time; and

Whereas, The Commission has duly approved of certain changes, recommended by the Chief Engineer, in details of construction within the scope of the routes adopted as aforesaid, which said changes affect the extent of said permanent and perpetual underground rights, easements and rights of way and said temporary rights or easements;

Now therefore it is Resolved, That the Corporation Counsel of The City of New York be and he hereby is directed to take the necessary legal steps to discontinue said pending condemnation proceedings, so far as the same in any manner affect the title to said real property, or any part thereof, or any right or easement therein.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The following resolution was moved and duly seconded:

Whereas, The Chief Engineer has made and submitted four similar maps or plans of certain parcels of property in The City of New York, Borough of Manhattan, required for the construction, maintenance and operation of a part of the proposed Brooklyn Loop Lines of the Rapid Transit Railroad, including a certain station and station approaches or entrances to be constructed by the Degnon Contracting Company, in pursuance of a certain contract known as Contract 9-0-2 heretofore made by The City of New York, acting by the Board of Rapid Transit Railroad Commissioners and bearing date May 9, 1907, which said contract was thereafter duly modified by a contract of modification dated February 18, 1908, which said

parcels of property consist of certain lots designated on said maps or plans as follows: Lot No. 17, known as Nos. 133-137 Centre Street and 112-114 White Street, Block No. 197, Section 1; Lot No. 14, known as Nos. 139-143 Centre Street, Block No. 197, Section 1; Lot No. 11, known as 145-149 Centre Street and 107 Walker Street, Block No. 197, Section 1; Lot No. 26, No. 27 and No. 28, known as 151-155 Centre Street, 106-108 Walker Street and 240 Canal Street, Block No. 197, Section 1; and Lot No. 27, known as Nos. 114-116 Walker Street, 152-158 Centre Street and Nos. 234-238 Canal Street, Block No. 198, Section 1; and

Whereas, A memorandum accompanying said maps or plans, and deemed a part thereof, has been made by authority of this Commission, clearly indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished for the purposes of such construction, maintenance and operation in relation to said parcels of property shown upon the said maps or plans, said memorandum being substantially in the form following, to wit:

"Public Service Commission for the First District.

Memorandum indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished in relation to each and every piece or parcel of property shown upon these maps or plans.

March , 1908.

An estate in fee simple absolute, free from all liens or encumbrances, in and to each and every piece or parcel of property shown upon these maps or plans, which said parcels are described as follows, to wit:

Lot No. 17. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of The City of New York, in the County and State of New York, and bounded and described as follows: Beginning at the corner formed by the intersection of the northerly side of White Street with the westerly side of Centre Street; thence northerly along the westerly side of Centre Street ninety (90) feet eleven (11) inches to the southerly side of the lands formerly belonging to John Jay; thence westerly along the southerly side of said lands formerly belonging to John Jay fifty-eight (58) feet four (4) inches to the westerly side of the lands conveyed by the Mayor, Aldermen and Commonalty of the City of New York to the Trustees of the New York Dispensary by deed dated June 1, 1837, and recorded in the Office of the Register of the City and County of New York in Liber 379 of Conveyances at page 134 on June 21, 1837; thence southerly along the westerly side of the land so conveyed to the said Trustees of the New York Dispensary eighty-nine (89) feet to the northerly side of White Street; thence easterly along the northerly side of White Street fifty-four (54) feet six (6) inches to the point or place of beginning, be said several dimensions more or less, being the same premises conveyed by the Mayor, Aldermen and Commonalty of the City of New York to the Trustees of the New York Dispensary by two deeds, one deed dated June 16, 1828, and recorded in the office of the Register

of the City and County of New York in Liber 240 of Conveyances at page 138 on August 5, 1828, and the other deed dated June 1, 1837, and recorded in the Office of the Register of the City and County of New York in Liber 379 of Conveyances at page 134 on June 21, 1837, excepting so much thereof as has been taken for the widening of Centre Street.

Lot No. 14. All those certain lots, pieces or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of the City of New York, in the County and State of New York, and being known as Lots 78, 79 and 80 annexed to deed made between Peter Augustus Jay and wife, William Jay and wife, Maria Banyer and Ann Jay, dated March 8th, 1831, and recorded in the office of the Register of the City and County of New York in Liber 274 of Conveyances at page 607 on June 30th, 1831, and bounded and described from said map as follows:

Beginning at a point on the westerly side of Centre Street, distant seventy-five (75) feet southerly from the southwesterly corner of Centre and Walker Streets, which point of beginning is at the division-line between Lots 77 and 80 as laid down on the aforesaid map; running thence westerly, along the southerly side of Lots 77, 76, 75 and 74, ninety-two (92) feet eight (8) inches to the northwesterly corner of Lot No. 80 as laid down on said map; thence southerly, along the westerly side of Lots 80, 79 and 78 as laid down on the aforesaid map, sixty-nine (69) feet three (3) inches more or less to the southwesterly corner of Lot 78 as laid down on the aforesaid map; thence easterly, along the southerly side of Lot 78, ninety-six (96) feet two (2) inches to the westerly side of Centre Street; and thence northerly, along the westerly side of Centre Street, seventy-one (71) feet nine (9) inches to the point or place of beginning, be said several dimensions more or less. Excepting, however, from the above described premises that portion which has been taken for the widening of Centre Street.

Lot No. 11. All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of the City of New York, in the County and State of New York, bounded and described as follows: Beginning at a point on the southerly side of Walker Street, distant one hundred and twenty-seven (127) feet one (1) inch easterly from corner formed by the intersection of the southerly side of Walker Street and the easterly side of Elm Street, before Elm Street was widened; running thence southerly, at right angles to Walker Street and part of the way through a party wall, seventy-five (75) feet; thence easterly, parallel with Walker Street, forty-three (43) feet eleven (11) inches to the westerly side of Centre Street as now laid out; thence northerly, along the westerly side of Centre Street, seventy-five (75) feet to the corner formed by the intersection of the southerly side of Walker Street and the westerly side of Centre Street; and thence westerly, along said southerly side of Walker Street, forty-four (44) feet ten (10) inches to the point or place of beginning, be said several dimensions more or less.

Lot No. 26, No. 27, and No. 28 (Block No. 197). All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, of the City of New York, in the County and State of New York, bounded and described as follows: Beginning at the corner formed by the intersection of the southerly side of Canal Street with the westerly side of Centre Street and running thence southerly along the westerly side of Centre Street one hundred and three (103) feet eleven (11) inches to the corner formed by the intersection of the said westerly side of Centre Street with the northerly side of Walker Street and running thence westerly along the northerly side of Walker Street, forty-five (45) feet eleven (11) inches to the westerly side of the premises conveyed to John M. J. Labatut by deed recorded in the Office of the Register of the County of New York, in Liber 728 of Conveyances, p. 425; thence northerly along said westerly side of said premises fifty-seven (57) feet three (3) inches to the rear of said premises; thence easterly along the said rear of said premises ten (10) feet to the southwest corner of the premises conveyed to John M. J. Labatut by Deed recorded in the Office of the Register of the County of New York in Liber 754 of Conveyances page 34; thence northerly along the westerly side of said premises fifty-four (54) feet seven (7) inches to the southerly side of Canal Street; and thence easterly along the southerly side of Canal Street twenty-six (26) feet two (2) inches to the point or place of beginning, be said several dimensions more or less.

Lot No. 27 (Block No. 198). All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of the City of New York, in the County and State of New York, bounded: Southerly by Walker Street; westerly by Centre Street; northerly by Canal Street, and easterly by a plot of ground known as No. 118 Walker Street. The premises hereby described, according to a survey thereof, made by Francis K. Ford, City Surveyor, dated March 4, 1905, are bounded and described as follows: Beginning at the corner formed by the intersection of the northerly side of Walker Street, with the easterly side of Centre Street; thence easterly along the northerly side of Walker Street, sixty-one (61) feet two and three-quarter ($2\frac{3}{4}$) inches to the lot of ground known as No. 118 Walker Street; thence northerly along the lot of ground known as No. 118 Walker Street, sixty-four (64) feet eight and seven-eighths ($8\frac{7}{8}$) inches to the southerly side of Canal Street; thence westerly along the said southerly side of Canal Street, fifty-four (54) feet eleven and three-quarter ($11\frac{3}{4}$) inches to the southeast corner of Canal Street and Centre Street; thence southerly along the said easterly side of Centre Street, eighty-two (82) feet four and three-quarter ($4\frac{3}{4}$) inches to the northeast corner of Centre and Walker Streets at the point or place of beginning, be said several dimensions more or less. Being the same premises which belonged to the late Julia Holsman at the time of her decease and known as Nos. 112, 114 and 116 Walker Street with the addition of a small fractional lot or gore at the southeast corner of Canal and Centre Streets. Said

premises being known as Nos. 112, 114 and 116 Walker Street; Nos. 234, 236 and 238 Canal Street; and 154, 156 and 158 Centre Street.

The subway or structure of said railroad, including said station and station approaches or entrances, are to be constructed substantially as shown in said Contract 9-0-2, modified as aforesaid, and upon these maps or plans which are marked as follows:

'Public Service Commission for the First District, Chief Engineer's Office, Route 9-0-2, Drawing No. 38, March 2nd, 1908, Henry B. Seaman, Chief Engineer.'

Said estates in fee simple in said parcels of property hereinabove described are required for the construction, maintenance and operation in perpetuity of a Rapid Transit railroad, including said station and station approaches or entrances, in accordance with the routes adopted by the Board of Rapid Transit Railroad Commissioners, by resolution adopted on the 25th day of May, 1905, and approved by the Board of Estimate and Apportionment of The City of New York on the 14th day of July, 1905, and approved by the Mayor of The City of New York on the 28th day of July, 1905, and consented to by an order of the Appellate Division of the Supreme Court, First Judicial Department, made and entered on the 12th day of March, 1907, which said railroad is further described in said contract, modified as aforesaid, for the construction of a part thereof made by The City of New York, acting by the said Board of Rapid Transit Railroad Commissioners, with the said Degnon Contracting Company;"

Now therefore, it is resolved, That said maps or plans so made and prepared and said memorandum be and the same hereby are approved and adopted; that a certificate of such approval and adoption and of the approval and adoption of said memorandum be written upon said maps or plans and signed by this Commission and by a majority of the Commissioners; that one of said maps or plans, including said memorandum, be filed in the Office of the President of the Borough of Manhattan, there to remain as a public record; that two of said maps or plans, including said memorandum, be transmitted to the Corporation Counsel of The City of New York, together with a copy of this resolution; that the remaining one of said maps or plans, including said memorandum, remain on file as a public record in the Office of this Commission; and that the Corporation Counsel be and he hereby is directed to take legal proceedings to acquire for The City of New York an estate in fee simple absolute, in and to the said parcels of property hereinabove described.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The following resolution was moved and duly seconded:

Whereas, The Chief Engineer has made and submitted four similar maps or plans of certain parcels of property in The City of New York, Borough of Manhattan, required for the construction, maintenance and operation of a part of the

proposed Brooklyn Loop Lines of the Rapid Transit railroad, including certain stations and station approaches or entrances to be constructed in part by the Bradley Contracting Company and in part by the Cranford Company, in pursuance of two certain contracts, one with said Bradley Contracting Company, known as Contract 9-0-1 and one with the said Cranford Company, known as Contract 9-0-3, which said contracts were heretofore made by The City of New York, acting by the Board of Rapid Transit Railroad Commissioners and bear date as follows: Contract 9-0-1, June 27th, 1907 and Contract 9-0-3, May 27th, 1907, which said Contract 9-0-3 was thereafter duly modified by a contract of modification, dated February 18th, 1908, which said parcels of property consist of certain lots designated on said maps or plans as follows: Lot No. 36, Block No. 155, Section 1 situated on the corner of Centre and Lafayette Streets; Lot No. 1, Block No. 207, Section 1 known as 166 Centre Street; Lot No. 19, Block No. 208, Section 1 known as Nos. 157-163 Centre Street and No. 239 Canal Street; Lot No. 16, Block No. 208, Section 1 known as Nos. 193-197 Centre Street; and Lot No. 14, Block 208, Section 1 known as 199-201 Centre Street and 1 Howard Street; and

Whereas, A memorandum accompanying said maps or plans and deemed a part thereof has been made by authority of this Commission, clearly indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished for the purposes of such construction, maintenance and operation, in relation to said parcels of property shown upon said maps or plans, said memorandum being substantially in the form following, to wit:

"Public Service Commission for the First District.

Memorandum indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished in relation to each and every piece or parcel of property shown upon these maps or plans.

March , 1908.

An estate in fee simple absolute, free from all liens or encumbrances, in and to each and every piece or parcel of property shown upon these maps or plans, which said parcels are described as follows, to wit:

Lot No. 36. All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of The City of New York, in the County and State of New York, and bounded and described as follows:

Beginning at the corner formed by the intersection of the westerly line of Centre Street with the easterly line of Lafayette Street; thence running northerly along the westerly line of Centre Street eighty-five (85) feet one-half ($\frac{1}{2}$) inch, to the land heretofore conveyed by Peter Morris and wife to Walter Bowne; thence running westerly along the said land now or late of Walter Bowne thirty-two (32) feet eight (8) inches to the easterly line of Lafayette Street, and thence running southerly along

premises being known as Nos. 112, 114 and 116 Walker Street; Nos. 234, 236 and 238 Canal Street; and 154, 156 and 158 Centre Street.

The subway or structure of said railroad, including said station and station approaches or entrances, are to be constructed substantially as shown in said Contract 9-0-2, modified as aforesaid, and upon these maps or plans which are marked as follows:

'Public Service Commission for the First District, Chief Engineer's Office, Route 9-0-2, Drawing No. 38, March 2nd, 1908, Henry B. Seaman, Chief Engineer.'

Said estates in fee simple in said parcels of property hereinabove described are required for the construction, maintenance and operation in perpetuity of a Rapid Transit railroad, including said station and station approaches or entrances, in accordance with the routes adopted by the Board of Rapid Transit Railroad Commissioners, by resolution adopted on the 25th day of May, 1905, and approved by the Board of Estimate and Apportionment of The City of New York on the 14th day of July, 1905, and approved by the Mayor of The City of New York on the 28th day of July, 1905, and consented to by an order of the Appellate Division of the Supreme Court, First Judicial Department, made and entered on the 12th day of March, 1907, which said railroad is further described in said contract, modified as aforesaid, for the construction of a part thereof made by The City of New York, acting by the said Board of Rapid Transit Railroad Commissioners, with the said Degnon Contracting Company,"

Now therefore, it is resolved, That said maps or plans so made and prepared and said memorandum be and the same hereby are approved and adopted; that a certificate of such approval and adoption and of the approval and adoption of said memorandum be written upon said maps or plans and signed by this Commission and by a majority of the Commissioners; that one of said maps or plans, including said memorandum, be filed in the Office of the President of the Borough of Manhattan, there to remain as a public record; that two of said maps or plans, including said memorandum, be transmitted to the Corporation Counsel of The City of New York, together with a copy of this resolution; that the remaining one of said maps or plans, including said memorandum, remain on file as a public record in the Office of this Commission; and that the Corporation Counsel be and he hereby is directed to take legal proceedings to acquire for The City of New York an estate in fee simple absolute, in and to the said parcels of property hereinabove described.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The following resolution was moved and duly seconded:

Whereas, The Chief Engineer has made and submitted four similar maps or plans of certain parcels of property in The City of New York, Borough of Manhattan, required for the construction, maintenance and operation of a part of the

proposed Brooklyn Loop Lines of the Rapid Transit railroad, including certain stations and station approaches or entrances to be constructed in part by the Bradley Contracting Company and in part by the Cranford Company, in pursuance of two certain contracts, one with said Bradley Contracting Company, known as Contract 9-0-1 and one with the said Cranford Company, known as Contract 9-0-3, which said contracts were heretofore made by The City of New York, acting by the Board of Rapid Transit Railroad Commissioners and bear date as follows: Contract 9-0-1, June 27th, 1907 and Contract 9-0-3, May 27th, 1907, which said Contract 9-0-3 was thereafter duly modified by a contract of modification, dated February 18th, 1908, which said parcels of property consist of certain lots designated on said maps or plans as follows: Lot No. 36, Block No. 155, Section 1 situated on the corner of Centre and Lafayette Streets; Lot No. 1, Block No. 207, Section 1 known as 166 Centre Street; Lot No. 19, Block No. 208, Section 1 known as Nos. 157-163 Centre Street and No. 239 Canal Street; Lot No. 16, Block No. 208, Section 1 known as Nos. 193-197 Centre Street; and Lot No. 14, Block 208, Section 1 known as 199-201 Centre Street and 1 Howard Street; and

Whereas, A memorandum accompanying said maps or plans and deemed a part thereof has been made by authority of this Commission, clearly indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished for the purposes of such construction, maintenance and operation, in relation to said parcels of property shown upon said maps or plans, said memorandum being substantially in the form following, to wit:

"Public Service Commission for the First District.

Memorandum indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished in relation to each and every piece or parcel of property shown upon these maps or plans.
March , 1908.

An estate in fee simple absolute, free from all liens or encumbrances, in and to each and every piece or parcel of property shown upon these maps or plans, which said parcels are described as follows, to wit:

Lot No. 36. All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of The City of New York, in the County and State of New York, and bounded and described as follows:

Beginning at the corner formed by the intersection of the westerly line of Centre Street with the easterly line of Lafayette Street; thence running northerly along the westerly line of Centre Street eighty-five (85) feet one-half ($\frac{1}{2}$) inch, to the land heretofore conveyed by Peter Morris and wife to Walter Bowne; thence running westerly along the said land now or late of Walter Bowne thirty-two (32) feet eight (8) inches to the easterly line of Lafayette Street, and thence running southerly along

the easterly line of Lafayette Street ninety-seven (97) feet two and one-half ($2\frac{1}{2}$) inches to the point or place of beginning, be said several dimensions more or less.

Lot No. 1. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of The City of New York, in the County and State of New York, bounded and described as follows: Beginning at the corner formed by the intersection of the easterly side of Centre Street with the northerly side of Canal Street; running thence southeasterly along the northerly line of Canal Street seventy-one (71) feet; thence northerly in a line drawn at right angles to Hester Street, thirty-nine (39) feet one (1) inch; thence westerly and parallel with Hester Street sixty-five (65) feet six (6) inches; to the easterly line of Centre Street, and thence southerly along the easterly line of Centre Street sixteen (16) feet seven (7) inches, to the point or place of beginning, be said several dimensions more or less.

Lot No. 19. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of The City of New York, in the County and State of New York, bounded and described as follows: Beginning at the corner formed by the intersection of the northerly side of Canal Street with the westerly side of Centre Street; running thence westerly along the northerly side of Canal street thirty-seven (37) feet nine (9) inches; thence northerly in a direct line one hundred and fifteen (115) feet ten (10) inches; thence easterly at right angles to Centre Street thirty-one (31) feet to the westerly side of Centre Street and thence southerly along the same one hundred and twenty-two (122) feet nine and one-half ($9\frac{1}{2}$) inches to the point or place of beginning, be said several dimensions more or less.

Lot No. 16. All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of The City of New York, in the County and State of New York, bounded and described as follows: Beginning at a point on the westerly side of Centre Street distant one hundred and twenty-two (122) feet nine and one-half ($9\frac{1}{2}$) inches northerly from the northwesterly corner of Centre and Canal Streets; running thence westerly at right angles to Centre Street seventy-eight (78) feet to the land now or late of Shearith Israel; thence northerly along the same seventy-five (75) feet to land now or late of Harriet Barthol; thence easterly along said land and along the land now or formerly belonging to John C. Butler and John J. Palmer, seventy-three (73) feet eleven (11) inches, to the westerly side of Centre Street, and thence southerly along the same seventy-five (75) feet to the point or place of beginning, be said several dimensions more or less.

Lot No. 14. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of The City of New York, in the County and State of New York, bounded and described as follows: Beginning at the corner formed by the intersection of the southerly

side of Howard Street with the westerly side of Centre Street; running thence southerly along the westerly side of Centre Street one hundred (100) feet eight and one-half ($8\frac{1}{2}$) inches to the land now or late of Peter Lorillard, Jr.; thence westerly along said land now or late of Peter Lorillard, Jr., thirty-eight (38) feet one (1) inch, to the land now or late of Thomas C. Butler; thence northerly along the said land now or late of said Butler one hundred (100) feet six (6) inches more or less, to the southerly side of Howard Street; and thence easterly along said southerly side of Howard Street thirty-six (36) feet five (5) inches to the point or place of beginning, be said several dimensions more or less.

The subway or structure of said railroad, including said stations and station approaches or entrances, are to be constructed substantially as shown in said contracts 9-0-1 and 9-0-3, said contract 9-0-3 having been modified as aforesaid, and upon these maps or plans, which are marked as follows: 'Public Service Commission for the First District, Chief Engineer's Office, Route 9-0-1 and 9-0-3, Drawing No. 28, March 2nd, 1908, Henry B. Seaman, Chief Engineer.'

Said estates in fee simple in said parcels of property hereinabove described are required for the construction, maintenance and operation in perpetuity of a Rapid Transit railroad, including said stations and station approaches or entrances, in accordance with the routes adopted by the Board of Rapid Transit Railroad Commissioners, by resolution adopted on the 25th day of May, 1905, and approved by the Board of Estimate and Apportionment of The City of New York, on the 14th day of July, 1905, and approved by the Mayor of The City of New York on the 28th day of July, 1905, and consented to by an order of the Appellate Division of the Supreme Court, First Judicial Department, made and entered on the 12th day of March, 1907, which said railroad is further described in said contracts for the construction of a part thereof made by The City of New York, acting by the said Board of Rapid Transit Railroad Commissioners, with said Bradley Contracting Company and said Cranford Company, said last mentioned contract having been modified as aforesaid."

Now therefore, it is

Resolved, That said maps or plans so made and prepared and said memorandum be and the same hereby are approved and adopted; that a certificate of such approval and adoption and of the approval and adoption of said memorandum be written upon said maps or plans and signed by this Commission and by a majority of the Commissioners; that one of said maps or plans, including said memorandum, be filed in the office of the President of the Borough of Manhattan, there to remain as a public record; that two of said maps or plans, including said memorandum, be transmitted to the Corporation Counsel of The City of New York, together with a copy of this resolution; that the remaining one of said maps or plans, including said memorandum, remain on file as a public record in the Office of this Commission; and that the Corporation Counsel be and he hereby is directed to take legal proceedings to acquire for

The City of New York an estate in fee simple absolute in and to the said parcels of property hereinabove described.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(19)

O-341

Commissioner Maltbie moved the adoption of the following rehearing order, which was duly seconded:

REHEARING ORDER (No. 341).

In the Matter
of the

Hearing on the Motion of the Commission on the Question of whether the Order heretofore made by the Commission on February 14, 1908, known as Order Number 260, directing the Third Avenue Railroad Company, Dry Dock, East Broadway & Battery Railroad Company, and the Forty-second Street, Manhattanville & St. Nicholas Avenue Railway Company, or Frederick W. Whitridge, their Receiver, to turn out not fewer than three closed cars daily, not including Sundays and holidays, overhauled and repaired as provided in said order, and also to have all of their open cars so overhauled and repaired on or prior to the 1st day of May, 1908, should be modified in any respect because of lack of materials or facilities.

Whereas, A certain order was heretofore made by the Commission on February 14, 1908, known as Order Number 260, directing the Third Avenue Railroad Company, the Dry Dock, East Broadway & Battery Railroad Company, and the Forty-second Street, Manhattanville & St. Nicholas Avenue Railway Company, or Frederick W. Whitridge, their Receiver, on and after March 2, 1908, to turn out not fewer than three closed cars daily, not including Sundays and holidays, overhauled and repaired as provided in said order, and also to have all of their open cars so overhauled and repaired on or prior to the 1st day of May, 1908; and

Whereas, Said Frederick W. Whitridge, as such Receiver, claims that because of lack of materials and facilities he is unable to obey said order or a certain part thereof;

Now therefore it is

Ordered, That a hearing be held on the 18th day of March, 1908, at 10:30 o'clock in the forenoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether said Order Number 260 should be modified in any respect; and it is further

Ordered, That the Third Avenue Railroad Company, the Dry Dock, East Broadway & Battery Railroad Company, and the Forty-second Street, Manhattanville & St. Nicholas Avenue Railway Company, or Frederick W. Whitridge, their Receiver, be given at least three days' notice of such hearing by service upon them personally or by mail of a certified copy of this order, and that at such hearing they be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Maltbie to conduct the hearing.

(20)

Commissioner Maltbie—"The Bureau of Statistics has prepared a tentative classification for gas and electric companies within our jurisdiction, and a hearing has already been set for March 26. Requests have come from the Committees of the National Associations interested in these subjects for a conference open to those outside of the companies under our jurisdiction. I move, Mr. Chairman, that a public conference be called for March 26th, for which invitations shall be sent to the Committees of the National Associations, to the Commission for the Second District, to the Commission of Gas and Electricity of Massachusetts, and the Railroad Commission of Wisconsin, the two last named being the only Commissions outside of New York having power to deal with these matters. As there is great necessity for uniform methods, it would be advantageous to have representatives from all these Commissions present at this public conference."

The motion was duly seconded and carried.

(21)

Commissioner Maltbie—"A tentative classification for the accounts of electric railways has been prepared by the Interstate Commerce Commission after several conferences with the various state commissions having jurisdiction over street railways and with the officials of the companies. A conference will probably be called in Washington within the near future, at which time this classification will be considered. Before this conference is held, it would be wise, in my opinion, to have a conference with the street railway companies under the jurisdiction of the Commission. I, therefore, move, Mr. Chairman, that a public conference be held upon March 20th, at 2:30 P. M., in this office, to consider the classification for electric railways prepared by the Interstate Commerce Commission, and that the street railway companies under the jurisdiction of this Commission be requested to send representatives to this conference."

The motion was duly seconded and carried.

(22)

O-342

Commissioner McCarroll moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 342).

In the Matter
of

The Hearing on the Motion of the Commission as to the Regulations, Practices, Equipment and Service of the Brooklyn Heights Railroad Company, in the respects hereinafter mentioned.

It is hereby Ordered, That a hearing be had on the 26th day of March, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission at Number 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment, appliances or service of the said company on its various lines in the City of New York, in respect to the transportation of persons, freight or property within the First District, are unjust, unreasonable, unsafe, improper or inadequate, and if it be so found then to determine whether changes in said regulations, practices, equipment, appliances or service, in the particulars following, at the place or places herein mentioned, would be just, reasonable, safe, adequate and proper and whether such changes shall be put in force, observed and used on the lines of said company, and also to inquire and determine whether repairs, improvements, changes or additions to or in the tracks or other property or device used by said company, in the particulars following ought reasonably to be made in order to promote the security or convenience of the public or employees, or in order to secure adequate facilities for the transportation of persons, freight or property, namely:

Whether said company should be directed to equip all mail cars and all other cars operated on the lines of said company, which are not so equipped, with a vestibule on each platform similar in construction to the vestibules now installed upon the passenger cars operated by said company.

And if such changes, improvements and additions, or any of them, be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same ought to be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Brooklyn Heights Railroad Company be given at least ten days' notice of such hearing, by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity to present evidence and to examine and cross-examine witnesses as to the matters hereinbefore set forth.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

Commissioner McCarroll reported that he had attended this morning the meeting of the Board of Estimate and Apportionment of the City of New York, and that the said Board had adopted a resolution approving the so-called Broadway-Lexington Avenue system and the modified contracts of the Brooklyn Loop Lines.

On motion, duly seconded, it was

Resolved, That the Counsel to the Commission be authorized and empowered to proceed with the getting of the necessary consents for the so-called Broadway-Lexington Avenue system.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(24)

On motion, duly seconded, it was resolved that Warren E. Thompson be appointed from the Civil Service list as Electrical Engineer for thirty days, at \$250 per month, to take effect from March 13, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(25)

On motion, duly seconded and carried, the action of the Commission of February 14, 1908, in terminating the appointment of John J. Halley, Transit Inspector, was rescinded.

The Secretary presented the resignation of John J. Halley, Transit Inspector, dated March 13, to take effect March 14, and on motion, duly seconded and carried, the resignation of John J. Halley, Transit Inspector, was accepted, to take effect March 14, 1908.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
**THE PUBLIC SERVICE COMMISSION
 FOR THE FIRST DISTRICT,**

TUESDAY, MARCH 17, 1908,
 TRIBUNE BUILDING, 154 NASSAU STREET,
 BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, John E. Eustis.

Commissioner Maltbie was excused because of absence on business of the Commission.

(1)

On motion, the record of the proceedings of the Commission for March 13, 1908, as printed in the CITY RECORD for March 17, 1908, was approved.

(2)

2093

The Secretary presented the following resolution, adopted by the Board of Estimate and Apportionment on March 13, 1908, and transmitted to the Commission, approving the proposed agreement with the Cranford Company for the construction of Section 9-0-3 of the Brooklyn Loop Lines, which was ordered filed:

Whereas, The Board of Estimate and Apportionment, by resolution duly adopted April 12, 1907, approved the proposed form of contract submitted by the Board of Rapid Transit Railroad Commissioners for the City of New York for the construction of a rapid transit railway in Centre Street from Canal to Broome Streets, said route being a portion of what are known as the Brooklyn Loop Lines, and being Section 9-0-3 thereof, which had previously been adopted by the Board of Rapid Transit Railroad Commissioners May 25, 1905, approved by the Board of Estimate and Apportionment July 14, 1905, and by the Mayor of the City of New York on July 28, 1905, and by the Appellate Division of the Supreme Court in the First Judicial Department by an order entered on March 12, 1907; and

Whereas, The Board of Rapid Transit Railroad Commissioners for the City of New York did on or about the 27th day of May, 1907, enter into a contract with the Cranford Company for the construction of the aforesaid section of the aforementioned

(20)

rapid transit railway for the sum of Two million, one hundred and fifty thousand dollars (\$2,150,000) and for the construction of pipe galleries and additional ducts along the line thereof at a cost of Sixty thousand dollars (\$60,000) in addition to the price for the railroad construction; and

Whereas, The contract and the contract drawings contemplate a subway structure not exceeding in height in the clear fourteen (14) feet from the base of the rail, and less than fifteen (15) feet in width for each track with heavy grades along certain parts of the line and in some places a double deck subway structure with a double deck station in Centre Street between Hester and Grand Streets, all as indicated on the said contract drawings; and

Whereas, The Public Service Commission for the First District, as the successor of the Board of Rapid Transit Railroad Commissioners for the City of New York, with a communication dated March 5, 1908, has transmitted to the Board of Estimate and Apportionment of the City of New York a proposed agreement, dated February 18, 1908, between the Public Service Commission for the First District and the Cranford Company modifying the aforesaid contract, and requesting the approval and consent of this Board to such modifications; Now, therefore, be it

Resolved, That the Board of Estimate and Apportionment hereby approves the proposed modified agreement dated February 18, 1908, by and between the Public Service Commission for the First District and the Cranford Company, modifying the contract entered into on or about the 27th day of May, 1907, between the Board of Rapid Transit Railroad Commissioners for the City of New York and the Cranford Company, and consents to such modifications, which are as follows:

"By striking therefrom the part providing for the construction of pipe galleries and the cancellation of such part of the contract; the Contractor hereby relieving and releasing the City and the City hereby relieving and releasing the Contractor of and from any obligation thereunder.

The location of the station provided for in the contract shall be changed from Centre Street, between Hester and Grand Streets, to Centre Street at or near the intersection of Canal Street, and the Contractor instead of constructing an entire station as contemplated in the contract shall be required to construct only such part of the station at Canal Street as is within the limits of the section embraced within the contract, and the lines and grades of the tracks and the size and dimensions of the subway structure shall be changed and the railroad contemplated in the contract including the part of the station hereinbefore referred to shall be constructed under and in accordance with this agreement and the plans and the plans and drawings hereto annexed, which are sixteen (16) in number, bear date 28th January, 1908, are each countersigned by the Chief Engineer, are stamped with the seal of the Commission and bear the general titles 'Public Service Commission for the First District, Proposed Changes of Contract 9-0-3,' and are marked as follows:

One (1) sheet 'Plan and Profile,' and four (4) sheets 'Cross Section,' and 'Public Service Commission for the First District, Proposed Changes of Contracts 9-0-2 and 9-0-3,' and are marked as follows:

One (1) sheet 'Station Construction, Roof and Foundation Plan;' one (1) sheet 'Station Construction, Mezzanine Roof Plan;' four (4) sheets 'Station Construction, Section;' one (1) sheet 'Station Drawing, Plan at Mezzanine Level;' one (1) sheet 'Station Drawing, Plan at Platform Level;' one (1) sheet 'Station Drawing, Longitudinal Sections;' one (1) sheet 'Station Drawing, Transverse Sections;' and one (1) sheet 'Ventilation Drawing.'"

—and be it further

Resolved, That such consent and approval shall not become effective unless the Cranford Company, in consideration thereof consents and agrees that the price for all work to be done under the contract and under this agreement shall be reduced to the sum of One Million Eight Hundred and Sixty Thousand Dollars (\$1,860,000), and further agrees that the time within which the work is to be completed shall be reduced by three months provided that such three months shall be deducted from any extension of time it may be granted, if in excess of three months; but if such extension of time be for three months or less than three months, then the Contractor agrees to complete the work within the period of time prescribed in the contract.

(3)

2092

The Secretary presented the following resolution, adopted by the Board of Estimate and Apportionment on March 13, 1908, and transmitted to the Commission, approving the proposed agreement with the Degnon Contracting Company for the construction of Section 9-0-2 of the Brooklyn Loop Lines, which was ordered filed:

Whereas, The Board of Estimate and Apportionment by resolution duly adopted March 8, 1907, approved the proposed form of contract submitted by the Board of Rapid Transit Railroad Commissioners for the City of New York for the construction of a rapid transit railway in Centre Street, from Pearl to Canal Streets, said route being a portion of what are known as the Brooklyn Loop Lines, and being Section 9-0-2 thereof, which had previously been adopted by the Board of Rapid Transit Railroad Commissioners May 25, 1905, approved by the Board of Estimate and Apportionment of the City of New York July 14, 1905, by the Mayor of the City of New York July 28, 1905, and by the Appellate Division of the Supreme Court in the First Judicial Department, by an order entered on March 12, 1907; and

Whereas, The Board of Rapid Transit Railroad Commissioners for the City of New York did on or about the 27th day of April, 1907, enter into a contract with the Degnon Contracting Company for the construction of the aforesaid section of the aforementioned rapid transit railway for the sum of Two million, nine hundred and fifty-two thousand dollars (\$2,952,000) and for the construction of pipe galleries and additional ducts along the line thereof at a cost of Eighty-three thousand dollars (\$83,000) in addition to the price for railroad construction; and

Whereas, The contract and contract drawings contemplate a subway structure not exceeding in height in the clear fourteen (14) feet from the base of the rail, and less than fifteen (15) feet in width for each track with heavy grades along certain parts of the line, and in some places a double deck subway structure with a double deck station on Centre Street between Leonard and White Streets, all as indicated on the said contract drawings; and

Whereas, The Public Service Commission for the First District, as the successor of the Board of Rapid Transit Railroad Commissioners for the City of New York, with a communication dated March 5, 1908, has transmitted to the Board of Estimate and Apportionment of the City of New York a proposed agreement dated February 18, 1908, between the Public Service Commission for the First District and Degnon Contracting Company, modifying the aforesaid contract, and requesting the approval and consent of this Board to such modifications; Now, therefore, be it

Resolved, That the Board of Estimate and Apportionment hereby approves the proposed modified agreement dated February 18, 1908, by and between the Public Service Commission for the First District and the Degnon Contracting Company, modifying the contract entered into on or about the 27th day of April, 1907, between the Board of Rapid Transit Railroad Commissioners for the City of New York and the Degnon Contracting Company, and consents to such modifications, which are as follows:

"By striking therefrom the part providing for the construction of pipe galleries and the cancellation of such part of the contract; the Contractor hereby relieving and releasing the City and the City hereby relieving and releasing the Contractor of and from any obligation thereunder.

The location of the station provided for in the contract shall be changed from Centre Street, between Leonard and White streets, to Centre Street at or near the intersection of Canal Street, and the Contractor instead of constructing an entire station as contemplated in the contract shall be required to construct only such part of the station at Canal Street as is within the limits of the section embraced within the contract, and the lines and grades of the tracks and the size and dimensions of the subway structure shall be changed and the railroad contemplated in the contract including the part of the station hereinbefore referred to shall be constructed under and in accordance with this agreement and the plans and drawings hereto annexed, which are eighteen (18) in number, bear date 28th January, 1908, are each countersigned by the Chief Engineer, are stamped with the seal of the Commission and bear the general titles 'Public Service Commission for the First District. Proposed Changes of Contract 9-0-2,' and are marked as follows:

Two (2) sheets 'Plan and Profile;' four (4) sheets 'Cross Section,' and one (1) sheet 'Ventilation Drawing;' and

'Public Service Commission for the First District. Proposed Changes of Contracts 9-0-2 and 9-0-3,' and are marked as follows:

One (1) sheet 'Station Construction, Roof and Foundation Plan;' one (1) sheet 'Station Construction, Mezzanine Roof Plan;' four (4) sheets 'Station Construction, Section;' one (1) sheet 'Station Drawing, Plan at Mezzanine Level;' one (1) sheet 'Station Drawing, Plan at Platform Level;' one (1) sheet 'Station Drawing, Longitudinal Sections;' one (1) sheet 'Station Drawing, Transverse Sections,' and one (1) sheet 'Ventilation Drawing.'"

And be it further

Resolved, That such consent and approval shall not become effective unless the Degnon Contracting Company, in consideration thereof, consents and agrees that the price for all work to be done under the contract and under this agreement shall be reduced to the sum of Two million six hundred and twenty-five thousand dollars (\$2,625,000), and the time within which such work is required by the contract to be completed shall be the time prescribed in the contract plus any additional times to which the contractor may be entitled, less five (5) months to be deducted therefrom and the bonus and liquidated damages provided for in the contract shall be computed thereon.

(4)

2919

The Secretary presented the following report of the Select Committee of the Board of Estimate and Apportionment, with regard to modifications of the Lexington and Gerard Avenue routes, and the plans and conclusions of the Canal Street route, which was ordered filed:

BOARD OF ESTIMATE AND APPORTIONMENT,
CITY OF NEW YORK,
March 10, 1908. }

To the Board of Estimate and Apportionment:

GENTLEMEN—The undersigned, your committee, appointed at a meeting of the Board held February 14, 1908, to consider and report upon the communication from the Public Service Commission for the First District, dated February 5, 1908, proposing certain modifications to the routes heretofore approved by this Board, to wit: the Lexington Avenue Route and the Gerard Avenue Subway Route, and submitting a new route under and across Canal street, would report as follows:

Your committee has held a public hearing and has also conferred with the Commissioners of the Public Service Commission for the First District.

At the public hearing objection was made to the Lexington Avenue Route as proposed to be extended, passing under the edifice known as Grace Church, located between Broadway and 4th Avenue, north of 10th Street. After consultation with the Commissioners of the Public Service Commission it was found that the line could easily be deflected from a position under the structure to a position passing to the east of the same. With that understanding your committee has no hesitation in approving the proposed modification.

The additional branch line under Mott Avenue and East 151st Street, in the Borough of the Bronx, the additional spur at 138th Street connecting with the Southern

Boulevard and Westchester Avenue Route and the increase in trackage from three to four and two to three in other portions of the Lexington Avenue Route, appear to us to be desirable in view of the large traffic which the experience with the present subway has shown was under-estimated. For the same reason we approve the additional tracks proposed to be placed upon the Gerard Avenue Subway Route, as proposed by the Commission.

As regards the third proposition, to wit: the laying out of the new route under and across Canal Street from the approach to the Manhattan Bridge at Chrystie Street to West Street, we are of the opinion that such a line is necessary for the continuation of the Brooklyn Lines, more particularly the 4th Avenue Subway, in order that a distribution of traffic may be made of Brooklyn passengers across the entire width of Manhattan Island, and also at the City Hall Station.

Your committee would, therefore, recommend the approval of the modifications in the Lexington Avenue Route and the Gerard Avenue Subway Route, and of the new route in Canal Street as proposed by the Public Service Commission for the First District

Respectfully,

(Signed) H. A. METZ,
Comptroller.

(Signed) T. P. SULLIVAN,
Acting President of the Board of Aldermen.

(Signed) JOHN F. AHEARN,
President of the Borough of Manhattan.

(Signed) LOUIS HAFFEN,
President of the Borough of The Bronx.

(5) C-1734
The Secretary presented the following resolution, adopted by the Board of Aldermen on March 10, 1908, which was referred to Commissioner Maltbie:

Resolved, That the Public Service Commission of the First District be and it is hereby respectfully requested to direct the restoration of a better service than at present obtains on the Sixth Avenue surface railroad, and that cars of that line shall run up Amsterdam avenue to Fort George.

(6) C-1735
The Secretary presented the following resolution, adopted by the Board of Aldermen on March 14, 1908, which was referred to Commissioner Eustis:

Whereas, This Board, under date of February 11, 1908, adopted a resolution requesting the Interborough Railway Company to provide an additional stairway for exit from the uptown station of the Third Avenue Elevated Railroad, on the southeast corner of Third avenue and Eighty-ninth street, in the Borough of Manhattan, in order to enhance the facilities of travel and save time for the residents of this largely increased section, who are now much inconvenienced, especially during the rush hours.

Whereas, The Interborough Railway Company have taken no action on this resolution, and have sent no communication to this Board regarding the same.

Resolved, That the Public Service Commission be and are hereby urged to investigate the congested condition of the one stairway of exit at this station during the rush hours, and if possible direct the erection of the additional stairway, for exit, requested by this resolution; and be it further

Resolved, That a copy of this resolution be sent to the Public Service Commission and to the Interborough Railway Company.

(7)

C-1736

The Secretary presented the following resolution, adopted by the Board of Aldermen on March 10, 1908, which was referred to Commissioner Maltbie:

Resolved, That the Public Service Commission of the First District be and hereby is urged to direct the Metropolitan Street Railway Company to extend its service up Eighth Avenue through One Hundred and Forty-fifth street to Kingsbridge for the greater accommodation of the large population residing along and near the route proposed.

(8)

C-1737

The Secretary presented the following resolution, adopted by the Board of Aldermen on March 10, 1908, which was referred to Commissioner Maltbie:

Resolved, That the Public Service Commission of the First District be and it is hereby respectfully requested to take cognizance of the disregard for public convenience at present displayed by the authorities controlling the Third Avenue Railroad Company, and to direct the movement of their cars on the Third and Amsterdam avenue line at a much shortened headway, the intervals prevailing being from thirty to forty-five minutes.

(9)

The Secretary presented the following notices of deposit from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which were ordered filed:

2063

DEAR SIR—I beg to advise you that on March 2nd, 1908, the sum of Five Thousand, One Hundred and Three and 19/100 Dollars (\$5,103.19) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan, (Sub-Title No. 4) Authorized June 21, 1907, pursuant to the provisions of Section 37 Chapter 4 Laws of 1891.

Principal	\$5,000 00
Premium	103 19

2532

DEAR SIR—I beg to advise you that on March 5th, 1908, the sum of Five Thousand Dollars (\$5,000.00) was deposited to the credit of Revenue Bond Fund for the Public Service Commission, for the 1st District, New York, Expenses of.

Authorized December 20th, 1907, pursuant to the provisions of Section 10 Chapter 4 Laws of 1891 and Section 14 Chapter 429 Laws of 1907.

2063

DEAR SIR—I beg to advise you that on March 2nd, 1908, the sum of Twenty Thousand, Four Hundred and Twelve and 75/100 Dollars (\$20,412.75) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan, (Sub-Title No. 5).

Authorized June 21st, 1907, pursuant to the provisions of Section 37 Chapter 4 Laws of 1891.

Principal	\$20,000 00
Premium	<u>412 75</u>

(10)

3226

The Secretary presented a supplementary report of the Chief Engineer on the subject of ventilating chambers in the Subway, which was ordered filed.

(11)

3186

The Secretary referred to a communication from the Receivers of the New York City Railway Company, regarding pay-as-you-enter cars, and presented a report thereon from A. W. McLimont, Electrical Engineer, which was ordered filed.

(12)

O-344

Commissioner Eustis moved the adoption of the following rehearing order, which was duly seconded:

REHEARING ORDER (No. 344).

In the matter
of

The Service, Regulations, and Practices of
the New York Central and Hudson River
Railroad Company.
"Restoration of the Putnam Division
Service."

An order, No. 311, having been made and filed herein on or about the sixth day of March, 1908, under and pursuant to an order for a hearing, No. 252, made on or about the eleventh day of February, 1908, and thereafter duly served upon the New York Central and Hudson River Railroad Company, ordering and directing the said Company to put into effect the service therein mentioned not later than the seventeenth day of March, 1908, and in and by said Order No. 311 the said New York Central and Hudson River Railroad Company having been required to notify this Commission within five days after service upon it of the said order whether the terms of said

Order No. 311 were accepted and will be obeyed, and the said New York Central and Hudson River Railroad Company having, on the fourteenth day of March, 1908, applied in writing to this Commission for a re-hearing in respect to the matters contained in said order No. 311, and sufficient reason for said re-hearing being made to appear, it is

Ordered, That said request for rehearing be, and the same hereby is, granted, and that said rehearing upon the matters contained in said order, No. 311, entered and filed on the sixth day of March, 1908, be held on the 26th day of March, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned at the rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City and State of New York, to determine whether said Order No. 311 or any part thereof is in any respect unjust or unwarranted.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said New York Central and Hudson River Railroad Company be given at least five (5) 'days' notice of such re-hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company shall be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Further Ordered, That the time of the said New York Central and Hudson River Railroad Company to comply with the terms of Order No. 311 be, and the same hereby is, extended until such time as the Commission shall enter an order upon the rehearing herein provided for.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Eustis to conduct the re-hearing.

(13)

O-275

The Secretary stated that an answer had been received from the Coney Island and Brooklyn Railroad Company, upon Order No. 275, complaint of Scott MacReynolds, as to the ten cent fare to Coney Island, which was referred to Commissioner McCarroll.

(14)

O-275-A

The Secretary stated that an answer had been received from the Coney Island and Brooklyn Railroad Company, upon Order No. 275-A, complaint of J. Monheimer, as to the ten cent fare to Coney Island, which was referred to Commissioner McCarroll.

(15)

O-276

The Secretary stated that answers had been received upon Order No. 276, complaint of Scott MacReynolds, as to the ten cent fare to Coney Island, from the Brook-

lyn Union Elevated Railroad Company; the Brooklyn Heights Railroad Company; the Nassau Electric Railroad Company; the Brooklyn, Queens County and Suburban Railroad Company; and the Coney Island and Gravesend Railway Company, which were referred to Commissioner McCarroll.

(16)

O-276-A

The Secretary stated that answers had been received upon Order No. 276-A, complaint of J. Monheimer, as to the ten cent fare to Coney Island, from the Brooklyn Union Elevated Railroad Company; the Brooklyn Heights Railroad Company; the Nassau Electric Railroad Company; the Brooklyn, Queens County and Suburban Railroad Company; the Coney Island and Gravesend Railway Company; the South Brooklyn Railway Company; and the Sea Beach Railway Company, which were referred to Commissioner McCarroll.

(17)

O-291

The Secretary stated that a communication had been received from the Interborough Rapid Transit Company, upon final order No. 291 of the Commission, directing the construction of an additional stairway at the subway station at 145th Street and Broadway, notifying the Commission that the terms of the order were accepted and would be complied with. The answer was ordered filed.

(18)

O-345

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 345).

In the Matter
of

The hearing on the motion of the Commission as to regulations, practices and service of the Brooklyn Union Elevated Railroad Company.
"Additional station signs and stairways."

An order, No. 156, having been made herein on or about the sixteenth day of December, 1907, ordering and directing the Brooklyn Union Elevated Railroad Company to construct an additional stairway at the Gates Avenue station and at the Halsey Street station upon its Broadway line, on or before the tenth day of April, 1908, and the said Brooklyn Union Elevated Railroad Company having, on the eleventh day of March, 1908, applied in writing for an extension of such time,

Now, on motion made and duly seconded, it is

Ordered, That the time within which the Brooklyn Union Elevated Railroad Company shall make the additions to stations above mentioned be, and the same hereby is, extended to and including the tenth day of May, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(19)

O-346

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 346).

H. B. Corwin,
Complainant,
against

New York Central and Hudson River
Railroad Company,
Defendant.

"Condition of tracks and crossings at
yards at 30th St. on the West side of
Tenth Avenue."

Upon the complaint herein, upon which Order No. 284 was issued on or about the twenty-first day of February, 1908, and the answer of the New York Central and Hudson River Railroad Company thereto, dated March 6th, 1908, it is

Ordered, That upon the matters therein a hearing be had on the 30th day of March, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said complainant and the said New York Central and Hudson River Railroad Company be given at least ten (10) days' notice of such hearing, by service upon said H. B. Corwin and upon the New York Central and Hudson River Railroad Company, either personally or by mail, of a certified copy of this order, and that at such hearing said complainant and said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to conduct the hearing.

(20)

The Secretary presented the following vouchers, the bills of which have been duly approved by Commissioner Maltbie, as Committee on Audit, for the month of March, whereupon, on motion duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of the City of New York for payment:

Voucher No.	In Favor of.	Services or Material.	Amount.
830	Bion J. Arnold.....	Professional services, account preliminary report on subway and investigating sizes of subways, Bills Nov. 30, 1907; Mar. 3, 1908.....	\$3,620 00
831	William T. Baker.....	Candles, Bills Feb. 26, Mar. 10, 1908.....	11 25
832	Martin B. Brown Co.....	Stationery, Printing, &c., Bills Mar. 5 (6), 1908..	1,190 50
833	Chambers Printing Co.....	Stationery, Printing, &c., Bills Feb. 11, 14, 24 (3), Jan. 21, 25, 1908.....	289 00
834	Donchian Brothers.....	Rug, Bill Mar. 10, 1908.....	80 00
835	William E. Davies.....	Appraisals of various properties Brooklyn Loop route, Bill Mar. 3, 1908.....	100 00
836	Commissioner of Bridges...	Drawing tables, Bill Mar. 4, 1908.....	120 00
837	Empire City Savings Bank..	Rent 231 W. 125th St. Mon. of March, 1908.....	83 33
838	E. Belcher Hyde.....	Maps, Bill Mar. 9, 1908.....	45 00
839	Knickerbocker Blue Print Co.	Blue prints, Bill Mar. 2, 1908.....	9 49
840	John Loew.....	Professional services in organizing Bureau of Franchises, Bill Mar. 7, 1908.....	604 87
841	Legislative Index Pub. Co...	Subscription to Legislative Index for the Legislature of 1908.....	50 00
842	Library Bureau.....	Furniture and stationery Bills Feb. 5 (2), 27, 29, Mar. 10, 1908.....	135 70
843	The New York Edison Co..	Lighting, Bills Feb. 5, 18, 1908.....	5 10
844	Progressive Age.....	Subscription from Jan. 1, to Dec. 15, 1908.....	3 00
845	Schneider Brothers.....	Repairs to Psychrometers, Bill Mar. 4, 1908.....	7 60
Total.....			\$6,354 84
846	George N. Young.....	Services as clerk to Commissioners of Appraisal, Easements under Joralemon and other streets, Brooklyn Feb. 1 to Mar. 1, 1908.....	100 00

The following payrolls were approved by Commissioner McCarroll as Acting Chairman:

Voucher No.	In Favor of.	Services or Material.	Amount.
826	Gas Meter Testers.....	Week ending March 11, 1908.....	\$312 00
827	Inspectors of Masonry.....	Week ending March 11, 1908.....	1,472 91
Total.....			\$1,784 91

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

(21)

O-347

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 347).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service and Equipment of the Brooklyn Heights Railroad Company in respect to the Flatbush Avenue line.

It is hereby Ordered, That a hearing be had on the 27th day of March, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at No. 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, equipment, appliances and service of the Brooklyn Heights Railroad Company in respect to transportation of persons in the First District are unjust, unreasonable, improper or inadequate, and whether the said Company runs cars enough or with sufficient frequency, or possesses or operates motive power enough reasonably to accommodate passenger traffic transported by it or offered for transportation to it, and if such be found not to be the fact, then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be just, reasonable, proper and adequate to direct that the service of said Brooklyn Heights Railroad Company on its Flatbush Avenue line be increased and supplemented at the points and times and in the particulars following, that is to say:

A.—Westbound.

Leaving depot at Avenue "N" and 48th Street and running at least as far west as City Hall.

(1) Between 6:00 and 6:30 A. M., by an increase of one car, or by an increase from 5 to 6 cars.

(2) Between 6:30 and 7:00 A. M., by an increase of two cars, or by an increase from 9 to 11 cars.

(3) Between 7:00 and 7:30 A. M., by an increase of two cars, or by an increase of 10 to 12 cars.

(4) Between 7:30 and 8:00 A. M., by an increase of five cars, or by an increase from 11 to 16 cars.

(5) Between 8:00 and 8:30 A. M., by an increase of six cars, or by an increase from 11 to 17 cars.

(6) Between 8:30 and 9:00 A. M., by an increase of three cars, or by an increase from 9 to 12 cars.

(7) Between 9:00 and 9:30 A. M., by an increase of four cars, or by an increase from 8 to 12 cars.

- (8) Between 9:30 and 10:00 A. M., by an increase of three cars, or by an increase from 7 to 10 cars.
- (9) Between 10:00 and 10:30 A. M., by an increase of two cars, or by an increase from 8 to 10 cars.
- (10) Between 10:30 and 11:00 A. M., by an increase of one car, or by an increase from 8 to 9 cars.
- (11) Between 11:00 and 11:30 A. M., by an increase of one car, or by an increase from 7 to 8 cars.
- (12) Between 12:30 and 1:00 P. M., by an increase of two cars, or by an increase from 8 to 10 cars.
- (13) Between 1:00 and 1:30 P. M., by an increase of two cars, or by an increase from 7 to 9 cars.
- (14) Between 1:30 and 2:00 P. M., by an increase of one car, or by an increase from 8 to 9 cars.
- (15) Between 2:00 and 2:30 P. M., by an increase of five cars, or by an increase from 9 to 14 cars.
- (16) Between 7:00 and 7:30 P. M., by an increase of two cars, or by an increase from 10 to 12 cars.
- (17) Between 7:30 and 8:00 P. M., by an increase of one car, or by an increase from 7 to 8 cars.

B.—Eastbound.

Leaving City Hall, and running at least as far east as Vanderveer Park (Flatbush and Nostrand Avenues).

- (18) Between 2:15 and 2:45 P. M., by an increase of two cars, or by an increase from 6 to 8 cars.
- (19) Between 2:45 and 3:15 P. M., by an increase of three cars, or by an increase from 9 to 12 cars.
- (20) Between 3:15 and 3:45 P. M., by an increase of one car, or by an increase from 11 to 12 cars.
- (21) Between 3:45 and 4:15 P. M., by an increase of one car, or by an increase from 12 to 13 cars.
- (22) Between 4:15 and 4:45 P. M., by an increase of three cars, or by an increase from 13 to 16 cars.
- (23) Between 4:45 and 5:15 P. M., by an increase of three cars, or by an increase from 15 to 18 cars.
- (24) Between 5:15 and 5:45 P. M., by an increase of three cars, or by an increase from 15 to 18 cars.
- (25) Between 5:45 and 6:15 P. M., by an increase of four cars, or by an increase from 14 to 18 cars.
- (26) Between 6:15 and 6:45 P. M., by an increase of five cars, or by an increase from 13 to 18 cars.

(27) Between 6:45 and 7:00 P. M., by an increase of three cars, or by an increase from 5 to 8 cars.

(28) Between 10:15 and 10:45 P. M., by an increase of four cars, or by an increase from 6 to 10 cars.

(29) Between 10:45 and 11:45 P. M., by an increase of two cars, or by an increase from 8 to 10 cars.

And if any such changes, improvements or additions be found to be such as ought to be made, as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Brooklyn Heights Railroad Company be given at least nine days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order and that at such hearing said Company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to take charge of the hearing.

(22)

2125

As to the suggestion of Joseph G. Robin, submitted at the Commission's last meeting, Commissioner Eustis filed a memorandum stating that this would involve the laying out of a new route, and recommending that the matter be filed, to be taken up later in connection with additional subway routes.

(23)

1265

Commissioner Eustis presented the following report, of which a copy was ordered transmitted to the Board of Aldermen:

To the Public Service Commission for the First District:

GENTLEMEN—In the matter of the resolution of the Board of Aldermen referred to us by the Corporation Counsel on March 10th relating to the stoppage of work on the Broadway Extension of the subway, and which was referred to me for report, I beg to say that I have inquired into the facts through the engineer's department and find that this work was stopped in November last on account of the failure of the Company to get the steel needed for the construction of the 231st and 238th Street stations, and for the further reason that at that time the owner of a part of the property in 231st Street that is to be taken in the widening of the street refused to allow the construction to go on at that time as the title to the property had not vested in the city. I understand that after the work stopped this gentleman changed his mind and sent word

through the Alderman for the district that he was willing to allow the work to proceed at that point, and as soon as this information was received orders were given to the Rapid Transit Construction Company to proceed at once with their work, which was done on March 2nd. They are now working four gangs of riveters and expect more to be at work in a few days, that most of the steel work has been delivered and the rest will be on hand as soon as needed, and the work will be pushed rapidly until the same is completed, which the company expect will be done before the first of June.

Dated March 17th, 1908.

Respectfully submitted,

(Signed) J. E. EUSTIS, Commissioner.

(24)

2137

The Secretary presented the following summary of accidents during the month of February:

Car collisions	203
Persons and vehicles struck by cars	945
Boarding	412
Alighting	286
Contact with electricity	36
Other accidents	2,069
Total	<u>3,951</u>

Injuries.

Passengers	1,219
Persons not passengers	462
Employees	476
	<u>2,157</u>

Serious Injuries Included in Above.

Killed	26
Fractured skulls	15
Amputated limbs	5
Broken limbs	24
Other serious	61
Total	<u>139</u>

TRAVIS H. WHITNEY, SECRETARY.

**PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,**

FRIDAY, MARCH 20, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,

BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for March 13, 1908, as printed in the CITY RECORD for March 17, 1908, was corrected so as to change the figures "25th" to "28th" in the ninth line from the bottom, second column, page 3075; and to change the figures "25th" to "28th" in the fourth line from the bottom, first column, page 3076, and as so printed and corrected, was re-approved.

On motion, the record of the proceedings of the Commission for March 17, 1908, as printed in the CITY RECORD for March 20, 1908, was approved.

(2)

2093

The Secretary presented the following communication from the Comptroller, which was ordered filed:

DEPARTMENT OF FINANCE, CITY OF NEW YORK, {
March 13, 1908. }

WILLIAM R. WILLCOX, *Chairman, Public Service Commission:*

SIR—The City on the 13th day of March acquired title by purchase to property No. 402 Broome Street, which is bounded and described as follows, for the use of the Public Service Commission:—

All that certain lot, piece or parcel of land with the buildings thereon, situate in the City of New York, known as No. 402 Broome Street, described as follows:—

Beginning on the northerly side of Broome Street at the dividing line between said house and the house and lot on the corner of Broome and Marion Streets, known as No. 404 Broome Street, which dividing line is at the distance of 25 feet 4 inches easterly from the easterly side of Marion Street; thence running along said dividing line in a northerly direction parallel or nearly so to Marion Street 71 feet 4 inches

(21)

[Form 2011]

[1 M (B)]

to the continuation of the southerly side of a brick building; thence along the said continuation and said side of said brick building 24 feet 10 inches, as far as the rear of said brick building extends on said southerly side thereof; thence in a southerly direction along the dividing line between said house and lot No. 402 Broome Street and the house and lot No. 400 Broome Street 75 feet 3 inches more or less to the northerly side of Broome Street; thence in a westerly direction along said side of Broome Street 25 feet 3 inches more or less to the point or place of beginning, be the said distances and dimensions more or less.

The property is taken subject to a lease which expires May 1st, next, the rent being at the rate of \$2,000. The Collector of City Revenue has been directed to collect the rent at that rate until the first day of May, 1908.

Respectfully,

H. A. METZ, Comptroller.

(3)

3214

Commissioner Bassett presented a report of the Transit Inspection Department with reference to the removal of stairways at the corner of Sands and Washington Streets, Brooklyn, as requested by a resolution of the Board of Aldermen, and on motion, duly seconded, it was directed that the following form of letter be transmitted to the Board of Aldermen in relation thereto:

March 19, 1908.

MR. PATRICK F. MCGOWAN, *Pres., Board of Aldermen*, City Hall, New York City:

DEAR SIR—A resolution was passed by the Board of Aldermen on February 18th, 1908, relative to removal of elevated stairs at the corner of Sands and Washington Streets, Borough of Brooklyn. Enclosed find a report thereon made by our inspection department. Further investigation shows that these stairs will be useful in connections to be made with the Sands Street Viaduct. The officials of the Bridge Department consider that it will be unwise to have the stairs taken down.

If this preliminary report is unsatisfactory to the introducer of the resolution and the board desires that an issue should be formed and testimony taken, please let the Commission know and order will be issued to the owning company for satisfaction or answer.

Yours very truly,

(Signed) WILLIAM R. WILLCOX, Chairman.

(4)

3102

The Secretary presented a report of Commissioner McCarroll, with regard to changing the name of the subway station at Hoyt Street, Brooklyn, which, on motion, duly seconded, was approved. The report was as follows:

REPORT REGARDING HOYT STREET STATION OF THE BROOKLYN SUBWAY.

Referring to the matter of the designation of the station at Hoyt Street, of the Brooklyn Subway, which was referred to me as Committee to consider the suggestion

of Messrs. Frederick Loeser & Company, for a change in the name to Hoyt-Duffield, I have to report having carefully considered the matter and made some enquiries regarding same.

Duffield Street has had for a long period a station on the elevated railroad and is well known to the traveling public as being the most convenient to reach the retail shopping district. Hoyt Street on the other hand is not so marked and, while a well known street, has not the significance in the same respect that Duffield street has.

The station has an exit on both of these streets, so that it is entirely proper that either or both names should be used.

A good deal of confusion has been caused in some stations of the Manhattan Subway where there are exits on two different streets, as for instance, in Fulton and John Streets. It is noticed that many people do not know of the exit at John Street, which is not so well known a street as Fulton Street, and are often carried a block beyond the one most convenient.

In view of these considerations and of the further one that there are obvious objections to using the name Bridge Street, at which there is also an exit, I have to recommend that the station be designated as the Hoyt-Duffield Street station.

Respectfully submitted,

(Signed) WM. McCARROLL, Commissioner.

March 17, 1908.

(5)

C-1490

The Secretary presented the following opinion of the Counsel to the Commission, as to the power of the Commission to order the installation of an elevator or escalator at the 155th Street station of the Ninth Avenue elevated line, which was referred to Commissioner Eustis:

March 6, 1908.

Public Service Commission for the First District:

SIRS—Referring to your Secretary's letters of February 11th and March 3rd, asking whether the Commission has power to order the installation of an elevator or escalator at the 155th Street Elevated Railroad Station, I beg to advise you as follows:

Under sections 49 and 50 of the Public Service Commissions Law, your Commission, whenever existing conditions warrant your action, may determine the reasonable, adequate and proper regulations, practices, equipment, appliances and service, or your Commission may direct improvements, changes or additions in tracks, terminals or in any other property or device in use.

It is a well settled rule of law that common carriers are obliged to equip their roads with all improvements which are recognized by railroad engineers as necessary to keep the road up to the modern standard of safety and efficiency. The mere fact that escalators and elevators used in connection with the operation of elevated railroads are comparatively new and were not contemplated at the time the elevated railroad franchises were granted is not a sufficient ground for the conclusion that your Commission cannot order their installation.

The question is one of reasonableness and while the fact that escalators are now in use at 23rd Street, 34th Street, 59th Street, 110th Street and other stations on the elevated roads and in the Subway does not prove that an order for the construction of an escalator or elevator at 155th Street is necessary or would be reasonable, yet in my opinion the fact that escalators or elevators are used on similar lines where the tracks are a considerable distance above or below the street level, is evidence that escalators and elevators are recognized features of modern passenger transportation in New York City and I believe that your Commission has power to order their installation and operation.

An order issued by your Commission, compelling the erection of additional structures in or over the public streets, is not permission or authority for their erection. If additional burdens are to be placed on the street the company must secure the necessary consents and your Commission's order should contain a clause requiring the company to make and diligently prosecute applications for the proper consents to the additional burden, unless you are satisfied that the company now has the necessary local consents.

Respectfully yours,

GEO. S. COLEMAN, Counsel to the Commission.

(6)

2090

The Secretary presented a report from Henry B. Seaman, Chief Engineer, setting forth the steps that had been taken to secure conformity between the plans of the Brooklyn Loop Line now under construction, and those of the terminals of the Brooklyn Bridge, the Manhattan Bridge and the Williamsburg Bridge, which was ordered filed.

(7)

2113

The Secretary referred to the application of the New York Mail and Newspaper Transportation Company for permission to alter the roof of the subway between bents Nos. 755 and 756, at 124th Street and Lenox Avenue, for the purpose of laying two eight-inch pneumatic mail tubes; and presented a report from Henry B. Seaman, Chief Engineer, stating that the drawing submitted was satisfactory, and recommending that permission be granted. The report was ordered filed.

(8)

3304

The Secretary presented a resolution adopted by the State Civil Service Commission on March 12, 1908, allowing the employment of John R. MacNeille, expert accountant, at a compensation not to exceed the sum of \$500, which was ordered filed.

(9)

3308

The Secretary stated that the following letter had been transmitted by the Chairman to Hon. J. M. Wainwright, Chairman of the Assembly Committee on Railroads with regard to Assembly Bills Nos. 17, 21, 22, 24, 25, 221 and 395:

March 16th, 1908.

Hon. J. M. WAINWRIGHT, Chairman Committee on Railroads, Assembly Chamber, Albany, N. Y.:

DEAR SIR—Pursuant to your request of March 5th, 1908, we have carefully considered Assembly Bills Nos. 17, 21, 22, 24, 25, 221 and 395, which you submitted to the Commission.

Int. No. 17 Assembly, Mr. Glück, requires that all cars or trains in the city of New York should operate at intervals of not more than fifteen minutes during the twenty-four hours of each day. No rule such as this can with fairness be applied to the different lines in this city. Some suburban lines may properly be operated at longer intervals than the lines in crowded localities. As a different headway rule should apply to different lines by reason of locality and amount of patronage, it would seem proper that this subject should not be made the subject of legislation.

Int. No. 24 Assembly, Mr. Glück, provides that a guard on the rear platform of all street railroad cars within the counties of Kings and New York be maintained during the rush hours. This requirement would mean that each street car in these two counties during the rush hours should be manned by three employes instead of two, as is now the case. The bill fixes 6:00 A. M. to 9:00 A. M. as the morning rush period and 5:00 P. M. to 8:00 P. M. as the evening rush period. Our investigations have shown that different parts of the city have different rush hours. For instance, the morning rush hour in some localities will occur between 5:00 and 6:00, and in the same locality there will be little travel between 8:00 and 9:00. In some other locality there may be practically no travel between 5:00 and 6:00 A. M., but the rush hour occurs between 8:00 and 9:00 A. M. The provision of this bill would require an unnecessary car crew in many parts of the city both morning and evening. It would seem to the Commission that a general rule on this subject would be improper and oppressive. It may be found that on certain congested lines, such as the Manhattan crosstown lines, some method like that outlined in this bill will be proper. The cars known as pay-as-you-enter cars have been introduced in Buffalo and are about to be introduced in Manhattan. These cars are a rational compliance with the demand expressed by this bill. If they prove successful and gradually take the place of the present form of car the object sought to be attained by this bill will be reached without legislation.

Int. No. 21 Assembly, Mr. Glück, provides for guard rails on elevated railroad stations in the Borough of Brooklyn to keep passengers from falling off the platform to the track. The observations of the Commission since its inception point to the undesirability of such a step. The accident schedules of the Commission do not show that the lack of guard fences is a cause of accidents. Train movement would be made slower by reason of slow stops to adjust gates to the openings in the fence. There are special instances where such guard fences are desirable and they should be treated by orders of the Commission as the occasions arise. If the Legislature should

consider that guard rails are necessary on all elevated platforms the law should be general and apply to the whole state. The proper function of the Commission in that case would be to have a hearing, if requested so to do by the Legislature, and report either facts or opinions to the Legislature for its assistance in framing such a statute.

Int. No. 22 Assembly, Mr. Glück, requires every railroad passenger car to carry a medical and surgical chest containing bandages, &c. We infer that it relates to steam railroads and not to street railroads. As the requirement if deemed wise would plainly apply to all cars of a certain class within the state it would seem proper to the Commission that it should be made the subject of a general law. The function of the Commission in this regard would be to report to the Legislature on the practicability of keeping medicine and medical appliances constantly on hand in such chests and a tabulation of actual accidents where such appliances close at hand would have been helpful. This for the purpose of assisting the Legislature in framing proper legislation.

Int. No. 25 Assembly, Mr. Glück, requires toilet rooms containing water closets in every railroad station in the Borough of Brooklyn. The need of toilet rooms varies according to the location and use of elevated stations. Stations at junctions where passengers transfer and in the downtown localities, especially in the shopping districts, should have toilets. Many stations in residential districts where there is substantially no waiting, excepting by people who have just left their homes, have no need of toilets, and it might be claimed that they were more of a drawback in such localities than they were a benefit. It would seem proper that this subject should be left to the Commission to investigate the needs of each station upon complaint made.

Int. No. 218 Assembly, Mr. Glück, provides for two motormen on every elevated or subway passenger car in Brooklyn, Manhattan or the Bronx. The Commission is collating material on this subject and preserving tabulations of all accidents that occur by reason of one motorman instead of two. This subject has been studied in connection with the operation of trains in the subway and is related to the use of block signals and automatic stop devices. It is already apparent that some roads not having automatic stop devices attached to the track might more properly require two motormen than roads that had such devices. It is claimed that on the subway and all elevated lines, if the motorman should be stricken while on duty the lever would automatically swing back and stop the train. If, in addition to this precaution, a track automatic stop is used in connection with the block signal system, there would be no need of two men in the box. In other words, two men may prove to be needed on some roads and not needed on others. Our opinion is that this subject can properly be left to the Commission.

Yours very truly,

(Signed) WM. R. WILLCOX, Chairman.

(10)

O-348

Commissioner Eustis presented the following order:

COMPLAINT ORDER (No. 348).

W. F. Vulz, Complainant,
against

New York Central and Hudson River Rail-
road Company, Defendant.

Order No. 348, for satisfaction or answer within ten (10) days, as to excess charge upon payment of cash fare upon the Harlem Division within the City limits, was approved, confirmed and ordered filed in the office of the Commission.

(11)

O-349

The Secretary presented the following order:

DISCONTINUANCE ORDER (No. 349).

J. Irving Burns, Complainant,
against

Interborough Rapid Transit Company, De-
fendant.

Order No. 349, discontinuing proceedings upon Complaint Order No. 306, as to the inconvenient location of the ticket box at the Kingsbridge Subway station, said complaint having been satisfied, was approved, confirmed and ordered filed in the office of the Commission.

(12)

O-319

The Secretary presented the following order:

TARIFF ORDER (No. 319).

Order No. 319, permitting the Baltimore and Ohio Railroad Company to put into effect, ten (10) days after filing with the Commission and publication at stations, Official Classification No. 31 and Supplements 1, 2, and 3 thereto, was approved, confirmed and ordered filed in the office of the Commission.

(13)

O-320

The Secretary presented the following order:

TARIFF ORDER (No. 320).

Order No. 320, authorizing the New York Central and Hudson River Railroad Company, and any other carrier within the jurisdiction of this Commission, to put into effect, within 15 days after filing with this Commission, and publication at stations, Supplement No. 5 to Official Classification No. 31, was approved, confirmed and ordered filed in the office of the Commission.

(18)

O-352

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 352).

Scott MacReynolds,
Complainant,
against
Coney Island and Brooklyn Railroad Com-
pany,
Defendant.

"Ten cent fare to Coney Island."

Upon the complaint herein, upon which Order No. 275 was issued on or about the 21st day of February, 1908, and the answer of the Coney Island and Brooklyn Railroad Company thereto, verified the fourteenth day of March, 1908, it is

Ordered, That upon the matters contained therein a hearing be had on the 26th day of March, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at Number 154 Nassau Street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said complainant and the said Coney Island and Brooklyn Railroad Company be given at least five (5) days' notice of such hearing, by service upon said Scott MacReynolds, 224 Seventy-eighth Street, Brooklyn, New York, and upon the said Coney Island and Brooklyn Railroad Company, either personally or by mail, of a certified copy of this order, and that at such hearing said complainant and said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to conduct the hearing.

(19)

O-353

Commissioner McCarroll moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 353).

Scott MacReynolds,
Complainant,
against
Brooklyn Union Elevated Railroad Com-
pany, Brooklyn Heights Railroad Com-
pany, Nassau Electric Railroad Com-
pany, Brooklyn, Queens Co. & Suburban
Railroad Company, Coney Island and
Gravesend Railway Company,
Defendants.

Upon the complaint herein, upon which Order No. 276 was issued on or about the 21st day of February, 1908, and the answers of the Bklyn. Union Elev. RR. Co.,

Bklyn. Hts. RR. Co., Nassau Elec. RR. Co., Bklyn., Queens Co. & Suburban RR. Co., and the Coney Island & Gravesend Ry. Co. verified on the 16th day of March, 1908, it is

Ordered, That upon the matters therein a hearing be had on the twenty-sixth day of March, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at Number 154 Nassau Street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said complainant and the said Brooklyn Union Elev. RR. Co., Bklyn. Hts. RR. Co., Nassau Elec. RR. Co., Bklyn., Queens Co. & Suburban RR. Co., and the Coney Island and Gravesend Ry. Co., be given at least five (5) days' notice of such hearing, by service upon said Scott MacReynolds, and upon each of said companies, either personally or by mail, of a certified copy of this order, and that at such hearing said complainant and said companies be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner McCarroll to conduct the hearing.

(20)

O-354

Commissioner McCarroll moved the adoption of the following re-hearing order, which was duly seconded:

REHEARING ORDER (No. 354).

In the Matter
of

The hearing on the Motion of the Commission on the question of improvement in and addition to the Service and Equipment of the Richmond Light and Railroad Company.

Matter of Rehearing on Matters contained in Order No. 185, entered January 4, 1908.

An order having been made and filed herein on January 4th, 1908, No. 185, under and pursuant to an order for hearing made November 11, 1907, No. 75, and thereafter having been duly served upon the Richmond Light and Railroad Company, the same to take effect immediately, and in and by said order the said Richmond Light and Railroad Company having been required to notify this Commission before January 10, 1908, whether the terms of said order No. 185 are accepted and will be obeyed, and the said Richmond Light and Railroad Company having, on March 12, 1908, applied

to this Commission for a rehearing in respect to some of the matters contained in said Order No. 185, and sufficient reason for said rehearing being made to appear.

Ordered, That the said request for a rehearing be granted and that such rehearing upon the matters contained in said Order No. 185, entered and filed on January 4th, 1908, be held on the 25th day of March, 1908, at 12.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to determine after such rehearing and after consideration of the facts, including those arising since the making of Order No. 185, whether the original Order No. 185 or any part thereof is in any respect unjust or unwarranted and whether the said Order No. 185 should, in any respects, be abrogated, changed or modified, and if any such abrogation, changes or modifications are found to be such as ought to be made, then to determine the nature and extent of such changes or modifications of the said order and to determine the time of taking effect of the order as changed or modified.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Richmond Light and Railroad Company be given at least three days' notice of such rehearing by service upon it, either personally or by mail, of a certified copy of this order and that at such hearing the said company shall be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner McCarroll to conduct the rehearing.

(21)

O-355

Commissioner McCarroll moved the adoption of the following re-hearing order, which was duly seconded:

REHEARING ORDER (No. 355).

In the Matter
of

The hearing on the Motion of the Commission on the question of improvement in and addition to the Service and Equipment of the Staten Island Midland Railway Company.

Matter of Rehearing on Matters contained in Order No. 186, entered January 4, 1908.

An order having been made and filed herein on January 4, 1908, No. 186, under and pursuant to an order for hearing made November 11, 1907, No. 76, and thereafter having been duly served upon the Staten Island Midland Railway Company, the same to take effect immediately, and in and by said order the said Staten

Island Midland Railway Company having been required to notify this Commission before January 10, 1908, whether the terms of said Order No. 186 are accepted and will be obeyed, and the said Staten Island Midland Railway Company having, on March 12, 1908, applied to this Commission for a rehearing in respect to some of the matters contained in said Order No. 186, and sufficient reason for said rehearing being made to appear,

Ordered, That the said request for a rehearing be granted and that such rehearing upon the matters contained in said Order No. 186, entered and filed on January 4, 1908, be held on the 25th day of March, 1908, at 12.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, Borough of Manhattan, City and State of New York, to determine after such rehearing and after consideration of the facts, including those arising since the making of Order No. 186, whether the original Order No. 186 or any part thereof is in any respect unjust or unwarranted and whether the said Order No. 186 should, in any respects, be abrogated, changed or modified, and if any such abrogation, changes or modifications are found to be such as ought to be made, then to determine the nature and extent of such changes or modifications of the said order and to determine the time of taking effect of the order as changed or modified.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Staten Island Midland Railway Company be given at least three days' notice of such rehearing by service upon it, either personally or by mail, of a certified copy of this order and that at such hearing the said company shall be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner McCarroll to conduct the rehearing.

(22)

O-356

The Secretary presented the following order:

EXTENSION ORDER (No. 356).

Bird S. Coler, President, Borough of
Brooklyn,
Complainant,
against
Nassau Electric Railroad Company,
Defendant.

Order No. 356, extending the time within which the Defendant may answer Final Order No. 316, as to repairs on Farragut Road, to and including March 24, 1908, was approved, confirmed and ordered filed in the office of the Commission.

(23)

O-357

The Secretary presented the following order:

EXTENSION ORDER (No. 357).

Bird S. Coler, President, Borough of
Brooklyn,
Complainant,
against

Brooklyn City Railroad Company, Brooklyn
Heights Railroad Company, Nassau Elec-
tric Railroad Company,
Defendants.

Order No. 357, extending the time within which the Defendant may answer Final Order No. 318, as to repairs on Nassau avenue, Franklin street, etc., to and including March 24, 1908, was approved, confirmed and ordered filed in the office of the Commission.

(24)

O-358

Commissioner Eustis presented the following order:

COMPLAINT ORDER (No. 358).

Jared J. Chambers,
Complainant,
against

Brooklyn Union Elevated Railroad Com-
pany,
Defendant.

Order No. 358, for satisfaction or answer within ten (10) days, as to an additional stairway at Marcy Avenue station on Broadway route, was approved, confirmed and ordered filed in the office of the Commission.

(25)

O-359

Commissioner Bassett moved the adoption of the following hearing order. which was duly seconded:

HEARING ORDER (No. 359).

In the Matter
of

The Hearing on the Motion of the Com-
mission on the Question of Improve-
ments in and Additions to the Service
and Transportation Facilities of the
South Brooklyn Railway Company.

Extension of Short Line Service to Park-
ville Station.

It is hereby

Ordered, That a hearing be had on the 1st day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at Number 154 Nassau Street, Borough of Manhattan,

City of New York, State of New York, to inquire whether the regulations, practices and services of the South Brooklyn Railway Company, in respect to transportation of persons in the First District, are unjust, unreasonable, improper or inadequate, and whether said Company does not run trains enough or cars enough or with sufficient frequency, reasonably to accommodate passenger traffic transported by it, or offered for transportation to it, and if such be found to be the fact, then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation; and is and will be just, reasonable, proper and adequate to direct that the service of said South Brooklyn Railway Company be increased and supplemented at the points and times and in the particulars following, that is to say:—

That the said South Brooklyn Railway Company cause all trains now operated on the short line service between Sands Street and Kensington Station to be operated beyond Kensington Station to and as far as Parkville Station.

And if such change, addition and improvement be found to be such as ought to be made as aforesaid, then to determine the details of such change, addition and improvement and to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said South Brooklyn Railway Company be given at least ten days' notice of such hearing, by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to conduct the hearing.

(26)

1810

Commissioner Maltbie stated that the Commission had on March 19th, at 2:30, given John R. Owens, a gas meter tester, an opportunity to explain or to make a statement as to charges duly served upon him of absence without leave, and that after listening to his explanation and asking him with regard thereto, the Commission had determined to recommend that he be discharged for absence without leave.

Thereupon, motion was made, and duly carried, that John R. Owens be discharged for absence without leave and that all of the papers in the matter, including a transcript of the meeting of the Commission at which he made his explanation, and the testimony, be filed in the office of the Commission.

(27)

O-360

Commissioner McCarroll moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 360).

In the Matter
of

The hearing on the motion of the Commission on the Question of Improvements in and Additions to the Service and Equipment of the Nassau Electric Railroad Company, in respect to the Seventh Avenue Line and in respect to the Flatbush-Seventh Avenue Line.

It is hereby ordered that a hearing be had on the 9th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same be adjourned, at the rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, equipment, appliances and service of the Nassau Electric Railroad Company, in respect to transportation of persons in the First District, are unjust, unreasonable, improper and inadequate, and whether the said company runs cars enough or with sufficient frequency or possesses or operates motive power enough reasonably to accommodate the passenger traffic transported by it or offered for transportation to it and if such be found not to be the fact, then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation and is and will be just, reasonable, proper and adequate to direct that the service of the said Nassau Electric Railroad Company on its Seventh Avenue Line and on its Flatbush-Seventh Avenue Line be increased and supplemented at the points and times and in the particulars following, that is to say:

As to Seventh Avenue Line.

(a) *Westbound*, leaving Seventh Avenue and 20th Street.

- (1) Between 6:15 and 6:45 A. M. by an increase of one car in the New York Service, making a total of 8 cars to New York.
- (2) Between 6:45 and 7:15 A. M. by an increase of 2 cars in the New York Service, making a total of 10 cars to New York and one car to South Ferry.
- (3) Between 7:15 and 7:45 A. M. by an increase of 3 cars in New York service and one car in the South Ferry service, making a total of 10 cars to New York and 2 cars to South Ferry.
- (4) Between 7:45 and 8:15 A. M. by an increase of 4 cars in the New York service and 2 cars in the South Ferry service, making a total of 10 cars to New York and 4 cars to South Ferry.
- (5) Between 8:15 and 8:45 A. M. by an increase of 3 cars to the New York service and 2 cars to the South Ferry service, making a total service of 10 cars to New York and 4 cars to South Ferry.

(6) Between 8:45 and 9:15 A. M. by an increase of 3 cars to New York service, making a total of 9 cars to New York.

(7) Between 9:15 and 9:45 A. M. by an increase of 3 cars to the New York service, making a total service of 8 cars to New York.

(8) Between 9:45 and 10:15 A. M. by an increase of one car to New York service, making a total service of 4 cars to New York.

(b) *Eastbound*, leaving New York to Seventh Avenue and 20th Street.

(9) Between 3:00 and 3:30 P. M. by an increase of one car or by an increase of from 5 to 6 cars.

(10) Between 3:30 and 4:00 P. M. by an increase of one car or by an increase from 5 to 6 cars.

(11) Between 4:00 and 4:30 P. M. by an increase of one car or by an increase from 8 to 9 cars.

(12) Between 4:30 and 5:00 P. M. by an increase of 2 cars or by an increase from 8 to 10 cars.

(13) Between 5:00 and 5:30 P. M. by an increase of 2 cars or by an increase from 8 to 10 cars.

(14) Between 5:30 and 6:00 P. M. by an increase of 2 cars or by an increase from 8 to 10 cars.

(15) Between 6:00 and 6:30 P. M. no increase; ten cars were operated.

(16) Between 9:30 and 10:00 P. M. by an increase of one car or by an increase from 3 to 4 cars.

(17) Between 10:00 and 10:30 P. M. by an increase of one car or by an increase from 3 to 4 cars.

(18) Between 10:30 and 11:00 P. M. by an increase of one car or by an increase from 4 to 5 cars.

(19) Between 11:00 and 11:30 P. M. by an increase of one car or by an increase from 2 to 3 cars.

(c) *Eastbound*, leaving South Ferry to Seventh Avenue and 20th Street.

(20) Between 4:45 and 5:15 P. M. by an increase of 2 cars or by an increase from 2 to 4 cars.

(21) Between 5:15 and 5:45 P. M. by an increase of 4 cars or by an increase from 3 to 7 cars.

(22) Between 5:45 and 6:15 P. M. by an increase of 4 cars or by an increase from 3 to 7 cars.

(23) Between 6:15 and 6:45 P. M. by an increase of 3 cars or by an increase from 2 to 5 cars.

As to Flatbush-Seventh Avenue Line.

(d) *Westbound*, leaving Seventh Avenue and 20th Street.

(1) Between 6:45 and 7:15 A. M. by an increase of one car in the Fulton Ferry service, making a total service of 7 cars, i. e., 3 to Fulton Ferry and 4 to City Hall.

(2) Between 7:15 and 7:45 A. M. by an increase of one car in the Fulton Ferry service, and 2 cars in the City Hall service, making a total service of 9 cars, i. e., 3 to Fulton Ferry and 6 to City Hall.

(3) Between 7:45 and 8:15 A. M. by an increase of one car in the Fulton Ferry service and 3 cars in the City Hall service, making a total service of 12 cars, i. e., 4 to Fulton Ferry and 8 to City Hall.

(4) Between 8:15 and 8:45 A. M. by an increase of 2 cars in the Fulton Ferry service and 4 cars in the City Hall service, making a total service of 12 cars, i. e., 4 to Fulton Ferry and 8 to City Hall.

(5) Between 8:45 and 9:15 A. M. by an increase of 2 cars in the City Hall service, making a total service of 10 cars, i. e., 4 to Fulton Ferry and 6 to City Hall.

(6) Between 9:15 and 9:45 A. M. by an increase of one car in the Fulton Ferry service and 2 cars in the City Hall service, making a total service of 8 cars, i. e., 4 to Fulton Ferry and 4 to City Hall.

(7) Between 9:45 and 10:15 A. M. by an increase of 4 cars in the City Hall service, making a total service of 9 cars, i. e., 4 to Fulton Ferry and 5 to City Hall.

(8) Between 10:15 and 10:45 A. M. by an increase of 3 cars in the City Hall service, making a total service of 7 cars, i. e., 4 cars to Fulton Ferry and 3 cars to City Hall.

(9) Between 10:45 and 11:15 A. M. by an increase of 3 cars in the City Hall service making a total of 7 cars, i. e., 4 to Fulton Ferry and 3 to City Hall.

(10) Between 11:15 and 11:45 A. M. by an increase of one car in the City Hall service, making a total service of 5 cars, i. e., 4 to Fulton Ferry and one to City Hall.

(11) Between 12:45 and 1:15 P. M. by an increase of 2 cars in the City Hall service, making a total service of 6 cars, i. e., 4 to Fulton Ferry and 2 to City Hall.

(12) Between 1:15 and 1:45 P. M. by an increase of 3 cars in the City Hall service, making a total service of 8 cars, i. e., 5 to Fulton Ferry and 3 to City Hall.

(13) Between 1:45 and 2:15 P. M. by an increase of 2 cars in the City Hall service, making a total service of 7 cars, i. e., 5 to Fulton Ferry and 2 to City Hall.

(14) Between 2:15 and 2:45 P. M. by an increase of 3 cars in the City Hall service, making a total service of 8 cars, i. e., 5 to Fulton Ferry and 3 to City Hall.

(15) Between 2:45 and 3:15 P. M. by an increase of 3 cars in the City Hall service, making a total service of 8 cars, i. e., 5 to Fulton Ferry and 3 to City Hall.

(16) Between 7:15 and 7:45 P. M. by an increase of 5 cars in the City Hall service, making a total service of 14 cars, i. e., 5 to Fulton Ferry and 9 to City Hall.

(17) Between 7:45 and 8:15 P. M. by an increase of 3 cars in the City Hall service, making a total service of 6 cars, i. e., 3 cars to Fulton Ferry and 3 cars to City Hall.

(e) *Eastbound*, leaving City Hall to Seventh Avenue and 20th Street.

(18) Between 10:45 and 11:15 A. M. by an increase of one car, or by an increase from 4 to 5 cars.

- (19) Between 11:15 and 11:45 A. M. by an increase of 2 cars, or by an increase from 4 to 6 cars.
- (20) Between 11:45 A. M. and 12:15 P. M. by an increase of 2 cars or by an increase from 5 to 7 cars.
- (21) Between 12:15 and 12:45 P. M. by an increase of one car, or by an increase from 6 to 7 cars.
- (22) Between 12:45 and 1:15 P. M. by an increase of one car, or by an increase from 6 to 7 cars.
- (23) Between 1:15 and 1:45 P. M. by an increase of one car, or by an increase from 5 to 6 cars.
- (24) Between 1:45 and 2:15 P. M. by an increase of one car, or by an increase from 5 to 6 cars.
- (25) Between 2:15 and 2:45 P. M. by an increase of 2 cars, or by an increase from 5 to 7 cars.
- (26) Between 2:45 and 3:15 P. M. by an increase of 3 cars, or by an increase from 4 to 7 cars.
- (27) Between 3:15 and 3:45 P. M. by an increase of 3 cars, or by an increase from 6 to 9 cars.
- (28) Between 3:45 and 4:15 P. M. by an increase of 2 cars, or by an increase from 8 to 10 cars.
- (29) Between 4:15 and 4:45 P. M. by an increase of 3 cars, or by an increase from 8 to 11 cars.
- (30) Between 4:45 and 5:15 P. M. by an increase of 4 cars, or by an increase from 8 to 12 cars.
- (31) Between 5:15 and 5:45 P. M. by an increase of 3 cars, or by an increase from 9 to 12 cars.
- (32) Between 5:45 and 6:15 P. M. by no increases; 12 cars were operated.
- (33) Between 6:15 and 6:45 by an increase of 2 cars, or by an increase from 10 to 12 cars.
- (34) Between 6:45 and 7:15 P. M. by an increase of 2 cars, or by an increase from 9 to 11 cars.
- (35) Between 7:15 and 7:45 P. M. by an increase of one car, or by an increase from 3 to 4 cars.
- (36) Between 7:45 and 8:15 P. M. by an increase of one car, or by an increase from 3 to 4 cars.
- (37) Between 8:15 and 8:45 P. M. by an increase of 4 cars, or by an increase from 4 to 8 cars.
- (38) Between 8:45 and 9:15 P. M. by an increase of 4 cars, or by an increase from 4 to 8 cars.
- (39) Between 9:15 and 9:45 P. M. by an increase of 4 cars, or by an increase from 4 to 8 cars.

And if any such changes, improvements or additions be found to be such as ought to be made, as aforesaid, then to determine what period will be reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Nassau Electric Railroad Company be given at least 10 days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order and that at such hearing said Company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner McCarroll to conduct the hearing.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, MARCH 24, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners Edward M. Bassett, Milo R. Maltbie.

Commissioners McCarroll and Eustis were excused because of absence on business of the Commission.

(1)

On motion, the record of the proceedings of the Commission for March 20, 1908, as printed in the CITY RECORD for March 24, 1908, was approved.

(2)

3331

The Secretary presented a communication from the Board of Estimate and Apportionment, transmitting a resolution adopted March 20, 1908, relative to the application of the Brooklyn Union Elevated Railroad Company for a franchise to the exclusive use of two of the tracks provided for elevated railroads upon and across the Manhattan Bridge and approaches, and an opinion of the Corporation Counsel thereon, which were ordered filed. The resolution was as follows:

Whereas, The Brooklyn Union Elevated Railroad Company has, under date of September 9, 1907, made application to this Board for the right or franchise to the exclusive use of two of the tracks provided for elevated railroads upon and across the Manhattan Bridge and approaches when constructed across the East River; and

Whereas, The Corporation Counsel, in an opinion dated March 18, 1908, has advised that such application should be made to the Public Service Commission for the First District, instead of to this Board, now, therefore, be it

Resolved, That the petition of the Brooklyn Union Elevated Railroad Company be filed, and that the Secretary be directed to notify the Company of the opinion of the Corporation Counsel, and also to furnish a copy of the opinion of the Corporation Counsel to the Public Service Commission for the First District for its information.

(22)

And if any such changes, improvements or additions be found to be such as ought to be made, as aforesaid, then to determine what period will be reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Nassau Electric Railroad Company be given at least 10 days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order and that at such hearing said Company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner McCarroll to conduct the hearing.

TRAVIS H. WHITNEY, SECRETARY.

643,930 bonds issued by The City of New
 acting that part of said Rapid Transit
 tion during said year..... \$426,439 30

from July 31, 1906, to October
 York of Rapid Transit
 Rapid Transit Subway
 York, dated July 21,
 supplemental thereto,
 and payment on
 purpose of
 entrusted
 \$7,160 85

2094

from the Counsel to the

March 21, 1908.

at:

On the 12th inst., I am advised by the Cor-
 on proceeding affecting certain parcels of prop-
 and Mulberry Streets has now been discontinued.
 in new maps or plans, including a memorandum and
 prepared in accordance with the changes in the route. As stated
 , this new proceeding contemplates the condemnation of the fee
 Place, 404 Broome Street, 402 Broome Street, 400 Broome Street,
 Mulberry Street, a certain plot described as "Plot X," and permanent and
 easements in parcels 7-11 Cleveland Place, 398 and 396 Broome Street and
 Mulberry Street.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
 Counsel to the Commission.

It was thereupon moved and duly seconded that the following resolution be
 adopted:

Whereas, The Chief Engineer has made and submitted four similar maps or plans
 of certain parcels of property in The City of New York, Borough of Manhattan,
 required for the construction, maintenance and operation of a part of the proposed
 Brooklyn Loop Lines of the Rapid Transit Railroad to be constructed by the Bradley
 Contracting Company, in pursuance of a certain contract known as Contract 9-0-4,
 heretofore made by The City of New York, acting by the Board of Rapid Transit

(3)

C-1760

The Secretary presented the following resolution, adopted by the Board of Aldermen on March 18, 1908, and transmitted to this Commission, which was referred to Commissioner Eustis:

Whereas, The great influx of residents and increase of population on our great East Side has naturally created a greater demand for facilities of travel; and

Whereas, The Second Avenue Branch of the Interborough Elevated Railroad system do not run any passenger trains between 1 A. M. and 5 A. M., thus causing great inconvenience to thousands of the East Side traveling public; be it

Resolved, That the above conditions fully warrant the aforesaid company to meet the demands of the great East Side, and run trains regularly during 1 A. M. and 5 A. M., thus granting a demand which will be of great convenience to the public and profit to the company; further

Resolved, That the conditions hereinabove set forth are respectfully called to the attention of the Public Service Commission for the First District, with the request that the same be given such consideration as may be proper.

(4)

C-1759

The Secretary presented the following resolution, adopted by the Board of Aldermen on March 18, 1908, and transmitted to this Commission, which was referred to Commissioner Eustis:

Resolved, That the Board of Aldermen hereby requests the Public Service Commission (First District) to recommend to the Interborough Railway Company the erection of an additional platform at the City Hall station of the elevated railroad, such platform to be constructed west of the tracks, similar to the existing platform east of the tracks, and that this Board further requests that the Public Service Commission shall recommend also that conspicuous signs be displayed at the said station, notifying passengers that none other than Third avenue trains leave that station, and that in order to take Second avenue trains they must change cars at Chatham Square, the next station.

(5)

2622

The Secretary presented a communication from the Comptroller, transmitting copies of receipts given to the Interborough Rapid Transit Company for payment of 1% annual sinking fund payment of the Rapid Transit Railroad (the subway) for the year ending October 31, 1907, for the Manhattan, The Bronx and the Brooklyn-Manhattan Divisions, respectively, showing the following payments:

March 12, 1908. For rental for the year ending October 31, 1907, under lease by The City of New York of Rapid Transit Railroad constructed under contract between John B. McDonald and the City of New York, dated February 21, 1900, and the agreements amendatory thereof and supplemental thereto, assigned to the above company, being the 1%

sinking fund payment on \$42,643,930 bonds issued by The City of New York for the purpose of constructing that part of said Rapid Transit Railroad constructed and in operation during said year..... \$426,439 30

March 12, 1908. For rental for the period from July 31, 1906, to October 31, 1907, under lease by the City of New York of Rapid Transit Railroad constructed under contract between Rapid Transit Subway Construction Company and the City of New York, dated July 21, 1902, and the agreements amendatory thereof and supplemental thereto, assigned to the above company, being the 1% sinking fund payment on \$525,529 bonds issued by the City of New York for the purpose of constructing that part of said Rapid Transit Railroad constructed and in operation during said period..... \$7,160 85

(6)

2094

The Secretary presented the following communication from the Counsel to the Commission:

March 21, 1908.

Public Service Commission for the First District:

SIRs—Referring to my letter to you of the 12th inst., I am advised by the Corporation Counsel that the condemnation proceeding affecting certain parcels of property in Cleveland Place, Broome and Mulberry Streets has now been discontinued. I therefore transmit herewith new maps or plans, including a memorandum and proposed resolution, prepared in accordance with the changes in the route. As stated in my previous letter, this new proceeding contemplates the condemnation of the fee of 3-5 Cleveland Place, 404 Broome Street, 402 Broome Street, 400 Broome Street, 187-189 Mulberry Street, a certain plot described as "Plot X," and permanent and temporary easements in parcels 7-11 Cleveland Place, 398 and 396 Broome Street and 185 Mulberry Street.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

It was thereupon moved and duly seconded that the following resolution be adopted:

Whereas, The Chief Engineer has made and submitted four similar maps or plans of certain parcels of property in The City of New York, Borough of Manhattan, required for the construction, maintenance and operation of a part of the proposed Brooklyn Loop Lines of the Rapid Transit Railroad to be constructed by the Bradley Contracting Company, in pursuance of a certain contract known as Contract 9-0-4, heretofore made by The City of New York, acting by the Board of Rapid Transit

Railroad Commissioners and bearing date June 27, 1907, which said parcels of property consist of certain lots designated on said maps or plans as follows:

Lot No. 4, Block No. 481, Section 2, known as Nos. 7-11 Cleveland Place; Lot No. 1, Block No. 481, Section 2, known as 3-5 Cleveland Place; Lot No. 43, Block No. 481, Section 2, known as 1 Cleveland Place and 404 Broome Street; Lot No. 42, Block No. 481, Section 2, known as 402 Broome Street; Lot No. 41, Block No. 481, Section 2, known as 400 Broome street; Lot No. 40, Block No. 481, Section 2, known as 398 Broome Street; Lot No. 39, Block No. 481, Section 2, known as 396 Broome Street; Lot No. 33, Block No. 481, Section 2, known as 185 Mulberry Street; Lot Nos. 31 and 32, Block No. 481, Section 2, known as 187-189 Mulberry Street; and a certain Plot X situated on the south side of Delancey Street Extension between Cleveland Place and Mulberry Street; and

Whereas, A memorandum accompanying said maps or plans, and deemed a part thereof, has been made by authority of this Commission, clearly indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished for the purposes of such construction, maintenance and operation in relation to said parcels of property shown upon said maps or plans, said memorandum being substantially in the form following, to wit:

"Public Service Commission for the First District. Memorandum indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished in relation to each and every piece or parcel of property shown upon these maps or plans. March 24, 1908.

An estate in fee simple absolute, free from all liens or encumbrances, in and to certain of said parcels of property shown upon these maps or plans, which said parcels are described as follows:

Lot No. 1. All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City of New York. Beginning at a point on the easterly side of Cleveland Place (formerly Marion Street), distant 65 feet 10 inches northerly from the corner formed by the intersection of the easterly side of Cleveland Place with the northerly side of Broome Street; running thence northerly along the easterly side of Cleveland Place 79 feet 3 inches to the northerly side of the northerly wall of the building erected upon the premises hereby described; thence easterly at right angles, or nearly so, to Cleveland Place and along the northerly side of said wall and along the southerly side of lot known as No. 1079 upon the map of Bayard's East Farm, made by Gerard Bancker, 98 feet 7 inches; thence southerly parallel or nearly so with Cleveland Place 50 feet to a point distant 100 feet $2\frac{1}{4}$ inches westerly from the westerly side of Mulberry Street, measured along a line drawn at right angles to Mulberry Street; thence westerly at right angles or nearly so to Cleveland Place 43 feet $4\frac{3}{4}$ inches; thence southerly parallel or nearly so with Cleveland Place 11 inches; thence westerly at right angles or nearly so to Cleveland Place 6 feet $6\frac{1}{2}$ inches to a point distant 48 feet $6\frac{1}{2}$ inches easterly from the easterly side of Cleveland Place

measured along a line drawn at right angles to Cleveland Place; thence southerly parallel, or nearly so, with Cleveland Place 29 feet 7½ inches to a point distant 48 feet 9 inches easterly from the easterly side of Cleveland Place measured along a line drawn at right angles to Cleveland Place, said point being also distant 76 feet 5 inches northerly from the northerly side of Broome Street measured along a line drawn parallel with Cleveland Place; thence westerly at right angles, or nearly so, to Cleveland Place and part of the way along the southerly side of the southerly wall of said building erected on the premises hereby described 48 feet 9 inches as the said premises are now in possession, be said several distances and dimensions more or less. The premises hereby intended to be described being the same premises which were conveyed to James P. Decker by two certain deeds, one made by William Leggat and wife, dated Nov. 6, 1848, recorded March 7, 1863, in Liber 867 of Cons. page 509, and the other made by Hannah Baldwin and others as executors under the last will and testament of Enos Baldwin, deceased, dated May 24, 1858, recorded Dec. 7, 1864, in Liber 922 of Cons. page 192, being the same premises conveyed by said James P. Decker to Emil Black by deed dated Dec. 1, 1864, recorded Dec. 7, 1864, in Liber 922 of Cons. page 203, and being the same premises which were conveyed by Emil Gramm and Gustav Gumprecht as executors of and trustees under the last will and testament of Emil Black deceased to F. MacDonald Sinclair and Theodore S. Valentine, by deed March 3, 1902, recorded on the same date in Sect. 2 of Cons. Liber 93, page 471.

Lot No. 43. All that certain lot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being at the northeasterly corner of Broome Street and Marion (formerly Orange) Street, in the 14th late 6th Ward of the Borough of Manhattan, City of New York, part of lot of land known on a map of the estate of Nicholas Bayard, known by the name of Bayard's Farm as No. 1044, which lies next south a large wooden or frame building, which fronts on Marion Street, and was formerly long used as a plane factory, said premises being bounded and described as follows: Beginning at the corner aforesaid; thence running northerly along the easterly side of Marion Street 65 feet 10 inches, more or less, to the southerly side of said frame building; thence running easterly along the last mentioned line 23 feet 10 inches more or less to premises of John Gilchrist; thence running southerly along the westerly side of Gilchrist's premises 71 feet 4 inches more or less to the northerly side of Broome Street; thence running westerly along the northerly side of Broome Street 25 feet 3 inches more or less to the easterly side of Marion Street, at the point or place of beginning.

Lot No. 42. All that certain lot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, in the County and State of New York, known as No. 402 Broome Street, bounded and described as follows:— Beginning on the northerly side of Broome Street at the dividing line between said house and the house and lot on the corner of Broome and Marion Streets, known as No. 404 Broome Street, which

dividing line is at the distance of 25 feet 3 inches easterly from the easterly side of Marion Street; thence running along said dividing line in a northerly direction parallel or nearly so to Marion Street 71 feet 4 inches to the continuation of the southerly line of a brick building; thence along said continuation and said line of said brick building 24 feet 10 inches as far as the rear of said brick building extends on said southerly line thereof; running thence in a southerly direction along the dividing line between said house and lot No. 402 Broome Street, and the house and lot No. 400 Broome Street 75 feet 3 inches more or less to the northerly side of Broome Street; thence running in a westerly direction along said side of Broome Street 25 feet 3 inches more or less to the point or place of beginning, be the said distances and dimensions more or less.

Lot No. 41. All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City of New York, and being known as Lot No. 1046 upon a map of the farm of Nicholas Bayard, made by Casimer Th. Goerck, C. S. and being bounded southerly by Broome (formerly William, late Bullock) Street; westerly by lot No. 1045 on said map; northerly in the rear by lot No. 1081 on said map; easterly by lot No. 1047 on said map. Being 25 feet 3 inches more or less in width in front and rear, 106 feet more or less along the westerly side and 112 feet 3 inches more or less along the easterly side. Being the same premises conveyed to Edward Brenen and Catharine his wife, by Herman Wronkow and Serena his wife, by deed dated Dec. 28, 1898, and recorded Jan. 3, 1899 in Section 2 of Cons. Liber 66, page 254.

Lot No. 31 and No. 32. All those certain lots, pieces or parcels of land situate, lying and being in the Borough of Manhattan of The City of New York, in the County and State of New York, situated on the westerly side of Mulberry Street between Broome Street and Delancey Street Extension and being formerly known as Lot 1053 and part of Lot 1054 upon a map of Bayard's Farm, recorded in the Office of the Secretary of State on June 29th, 1795, which said lots are bounded and described as follows: Beginning at a point on the westerly side of Mulberry Street distant one hundred and forty-one (141) feet three and one-half ($3\frac{1}{2}$) inches northerly from the northerly side of Broome Street; thence running westerly at right angles to the westerly side of Mulberry Street and along the boundary line between Lot No. 32, Lot No. 33 and Lot No. 39, as shown on said maps or plans, one hundred (100) feet two and one-quarter ($2\frac{1}{4}$) inches; thence running northerly parallel with Mulberry Street and along the boundary line between Lot No. 1 and Lot No. 31 and No. 32, a distance of fifty (50) feet; thence running easterly a distance of eight (8) feet eight and three-quarters ($8\frac{3}{4}$) inches to the southerly side of Delancey Street Extension; thence running easterly along the southerly side of Delancey Street Extension a distance of ninety-one (91) feet nine and five-eighths ($9\frac{5}{8}$) inches to the westerly side of Mulberry Street; thence running southerly along the westerly side of Mulberry Street thirty-five (35) feet to the point or place of beginning, be said several

dimensions more or less, it being intended to describe that part of said premises known as Nos. 187-189 Mulberry Street, title to which has not been acquired by The City of New York for the extension of Delancey Street.

Plot X. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of the City of New York, in the County and State of New York, bounded and described as follows: Beginning at a point on the southerly side of Delancey Street Extension distant ninety-one (91) feet nine and five-eighths ($9\frac{5}{8}$) inches from the westerly side of Mulberry Street and running thence westerly along the southerly side of Delancey Street Extension a distance of nine (9) feet and seven-eighths ($\frac{7}{8}$) inches; thence running southerly along the easterly boundary line of Lot No. 4 a distance of one (1) foot five and five-eighths ($5\frac{5}{8}$) inches and thence running easterly along the northerly boundary line of Lot No. 1 and Lot No. 31 a distance of eight (8) feet eleven and three-quarter ($11\frac{3}{4}$) inches to the point or place of beginning, be the said several dimensions more or less.

Also a perpetual and permanent underground right, easement and right of way and also a temporary right or easement in and to certain other parcels of property shown upon said maps or plans, which said parcels are described as follows:

Lot No. 4. All that certain lot, piece or parcel of land with the buildings and improvements thereon erected situate, lying and being in the Borough of Manhattan of The City of New York in the County and State of New York and bounded and described as follows: Beginning at a point on the southerly line of Delancey Street Extension distant eighty-three (83) feet seven and three-quarter ($7\frac{3}{4}$) inches from the intersection formed by the southerly line of Delancey Street Extension and the easterly line of Cleveland Place, running thence in a southwesterly direction along a curve drawn with a radius of three hundred and fourteen and sixteen hundredths (314.16) feet, with its convexity towards the north a distance of eight (8) feet four (4) inches, to the boundary line between Lot No. 4 and Lot No. 1; running thence easterly along said boundary line a distance of twenty-two (22) feet nine (9) inches; running thence northerly a distance of one (1) foot, five and five-eighths ($5\frac{5}{8}$) inches to the southerly line of Delancey Street Extension; thence running westerly along said southerly line of Delancey Street Extension a distance of fifteen (15) feet nine and one-half ($9\frac{1}{2}$) inches to the point of beginning, be said several dimensions more or less.

Lot No. 40. All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of The City of New York, in the County and State of New York and bounded and described as follows: Beginning at a point on the boundary line between Lot No. 41 and Lot No. 40, distant sixty-six (66) feet five and one-half ($5\frac{1}{2}$) inches from the northerly line of Broome Street; running thence in a northeasterly direction along a curved line drawn with a radius of two hundred and forty-one and fifty-eight hun-

dredths (241.58) feet, with its convexity towards the north, a distance of thirty-three (33) feet seven (7) inches, to the boundary line between Lot No. 40 and Lot No. 39; thence running northerly along said last mentioned boundary line a distance of twenty-three (23) feet (5) inches, to the boundary line between Lot No. 40 and Lot No. 1; thence running westerly along said last mentioned boundary line a distance of twenty-four (24) feet seven and three-quarter ($7\frac{3}{4}$) inches, to said first mentioned boundary line and thence running southerly along said last mentioned boundary line a distance of forty-five (45) feet nine and one-half ($9\frac{1}{2}$) inches to the point of beginning, be said several dimensions more or less.

Lot No. 39. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of The City of New York, in the County and State of New York and bounded and described as follows: Beginning at a point on the boundary line between Lot No. 40 and Lot No. 39 distant ninety-four (94) feet seven (7) inches from the northerly line of Broome Street; thence running in a northeasterly direction along a curved line drawn with a radius of two hundred and forty-one and fifty-eight hundredths (241.58) feet, with its convexity towards the north, a distance of thirty-one (31) feet five (5) inches to the boundary line between Lot No. 39 and Lot No. 33; thence running northerly along said last mentioned boundary line a distance of six (6) feet nine and one-half ($9\frac{1}{2}$) inches, to the boundary line between Lot No. 39 and Lot No. 32; thence running westerly along said last mentioned boundary line a distance of twenty-six (26) feet one and one-eighth ($1\frac{1}{8}$) inches to the first mentioned boundary line between Lot No. 40 and Lot No. 39; thence running southerly along said last mentioned boundary line a distance of twenty-three (23) feet five (5) inches to the point of beginning, be said several dimensions more or less.

Lot No. 33. All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of The City of New York, in the County and State of New York and bounded and described as follows: Beginning at a point on the boundary line between Lot No. 39 and Lot No. 33, distant one hundred and seventeen (117) feet one and three-quarter ($1\frac{3}{4}$) inches from the northerly line of Broome Street; thence running in a northeasterly direction along a curved line drawn with a radius of two hundred and forty-one and fifty-eight hundredths (241.58) feet, with its convexity towards the north, a distance of fourteen (14) feet eleven (11) inches, to the boundary line between Lot No. 33 and Lot No. 32; thence running westerly along said last mentioned boundary line a distance of thirteen (13) feet to the said first mentioned boundary line; thence running southerly along said first mentioned boundary line a distance of six (6) feet nine and one-half ($9\frac{1}{2}$) inches, to the point or place of beginning, be said several dimensions more or less.

The premises subject to such temporary rights or easements for the purposes of construction of said railroad are described as follows:

One parcel of land on the northwesterly side of and adjacent to said part of Lot No. 4, hereinabove described, and within a line distant not more than ten feet northwesterly therefrom and wholly within Lot No. 4; and also the land over and above said permanent and perpetual underground right, easement and right of way in Lot No. 4, with the right to tear down all buildings or any part thereof erected over and above said last mentioned permanent and perpetual underground right, easement and right of way, and over and above said adjacent parcel of land.

Another parcel of land on the southeasterly side of and adjacent to said part of Lot No. 40, hereinabove described, and within a line distant not more than ten feet southeasterly therefrom, and wholly within Lot No. 40; and also the land over and above said permanent and perpetual underground right, easement and right of way in Lot No. 40, with the right to tear down all buildings or any part thereof erected over and above the said last mentioned permanent and perpetual underground right, easement and right of way and over and above said last mentioned adjacent parcel of land.

Another parcel of land on the southeasterly side of and adjacent to said part of Lot No. 39, hereinabove described, and within a line distant not more than ten feet southeasterly therefrom, and wholly within Lot No. 39, and also the land over and above said permanent and perpetual underground right, easement and right of way in Lot No. 39, with the right to tear down all buildings or any part thereof erected over and above said last mentioned permanent and perpetual underground right, easement and right of way and over and above said last mentioned adjacent parcel of land.

And another parcel of land on the southerly side of and adjacent to said part of Lot No. 33 hereinabove described and within a line distant not more than ten feet southeasterly therefrom and wholly within Lot No. 33; and also the land over and above said permanent and perpetual underground right, easement and right of way in Lot No. 33, with the right to tear down all buildings or any part thereof erected over and above said last mentioned permanent and perpetual underground right, easement and right of way and over and above said last mentioned adjacent parcel of land.

All of said adjacent parcels of land hereinabove described subject to such temporary rights or easements are shown on these maps or plans in yellow.

The extreme top of said subway or structure is to be not less than six and eight tenths feet below the present grade of Broome Street, where the centre line of Centre Street intersects the centre line of Broome Street; and the base of the rails of said railroad is to be not less than twenty-six and six tenths feet below said present grade.

The temporary rights or easements hereinabove described continue until December 1, 1909, and include the right to enter upon and occupy said adjacent parcels of land hereinabove described and said land over and above said permanent and perpetual underground rights, easements and rights of way hereinabove described.

The subway or structure of said railroad is to be constructed substantially as shown in said contract and upon these maps or plans, which are marked as follows:

'Public Service Commission for the First District, Chief Engineer's Office, Route No. 9-0-4, Drawing No. 14, March 2, 1908. Henry B. Seaman, Chief Engineer.'

(3)

C-1760

The Secretary presented the following resolution, adopted by the Board of Aldermen on March 18, 1908, and transmitted to this Commission, which was referred to Commissioner Eustis:

Whereas, The great influx of residents and increase of population on our great East Side has naturally created a greater demand for facilities of travel; and

Whereas, The Second Avenue Branch of the Interborough Elevated Railroad system do not run any passenger trains between 1 A. M. and 5 A. M., thus causing great inconvenience to thousands of the East Side traveling public; be it

Resolved, That the above conditions fully warrant the aforesaid company to meet the demands of the great East Side, and run trains regularly during 1 A. M. and 5 A. M., thus granting a demand which will be of great convenience to the public and profit to the company; further

Resolved, That the conditions hereinabove set forth are respectfully called to the attention of the Public Service Commission for the First District, with the request that the same be given such consideration as may be proper.

(4)

C-1759

The Secretary presented the following resolution, adopted by the Board of Aldermen on March 18, 1908, and transmitted to this Commission, which was referred to Commissioner Eustis:

Resolved, That the Board of Aldermen hereby requests the Public Service Commission (First District) to recommend to the Interborough Railway Company the erection of an additional platform at the City Hall station of the elevated railroad, such platform to be constructed west of the tracks, similar to the existing platform east of the tracks, and that this Board further requests that the Public Service Commission shall recommend also that conspicuous signs be displayed at the said station, notifying passengers that none other than Third avenue trains leave that station, and that in order to take Second avenue trains they must change cars at Chatham Square, the next station.

(5)

2622

The Secretary presented a communication from the Comptroller, transmitting copies of receipts given to the Interborough Rapid Transit Company for payment of 1% annual sinking fund payment of the Rapid Transit Railroad (the subway) for the year ending October 31, 1907, for the Manhattan, The Bronx and the Brooklyn-Manhattan Divisions, respectively, showing the following payments:

March 12, 1908. For rental for the year ending October 31, 1907, under lease by The City of New York of Rapid Transit Railroad constructed under contract between John B. McDonald and the City of New York, dated February 21, 1900, and the agreements amendatory thereof and supplemental thereto, assigned to the above company, being the 1%

sinking fund payment on \$42,643,930 bonds issued by The City of New York for the purpose of constructing that part of said Rapid Transit Railroad constructed and in operation during said year..... \$426,439 30

March 12, 1908. For rental for the period from July 31, 1906, to October 31, 1907, under lease by the City of New York of Rapid Transit Railroad constructed under contract between Rapid Transit Subway Construction Company and the City of New York, dated July 21, 1902, and the agreements amendatory thereof and supplemental thereto, assigned to the above company, being the 1% sinking fund payment on \$525,529 bonds issued by the City of New York for the purpose of constructing that part of said Rapid Transit Railroad constructed and in operation during said period..... \$7,160 85

(6)

2094

The Secretary presented the following communication from the Counsel to the Commission:

March 21, 1908.

Public Service Commission for the First District:

SIRS—Referring to my letter to you of the 12th inst., I am advised by the Corporation Counsel that the condemnation proceeding affecting certain parcels of property in Cleveland Place, Broome and Mulberry Streets has now been discontinued. I therefore transmit herewith new maps or plans, including a memorandum and proposed resolution, prepared in accordance with the changes in the route. As stated in my previous letter, this new proceeding contemplates the condemnation of the fee of 3-5 Cleveland Place, 404 Broome Street, 402 Broome Street, 400 Broome Street, 187-189 Mulberry Street, a certain plot described as "Plot X," and permanent and temporary easements in parcels 7-11 Cleveland Place, 398 and 396 Broome Street and 185 Mulberry Street.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

It was thereupon moved and duly seconded that the following resolution be adopted:

Whereas, The Chief Engineer has made and submitted four similar maps or plans of certain parcels of property in The City of New York, Borough of Manhattan, required for the construction, maintenance and operation of a part of the proposed Brooklyn Loop Lines of the Rapid Transit Railroad to be constructed by the Bradley Contracting Company, in pursuance of a certain contract known as Contract 9-0-4, heretofore made by The City of New York, acting by the Board of Rapid Transit

(10)

O-361

The Secretary presented the following final order, and it was moved and duly seconded that the same be adopted by the Commission:

FINAL ORDER (No. 361).

In the Matter

of

The hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service and Equipment of the Interborough Rapid Transit Company in the Particulars herein below mentioned.

Second Avenue Elevated.

Under Order for Hearing No. 151, made December 11, 1907.

This matter coming on upon the report of the hearing had herein on the 23rd day of December, 1907 and the adjournments thereof, and it appearing that the said hearing was held by and pursuant to an order of this Commission, No. 151, made December 11, 1907, and returnable on the 23rd day of December, 1907, and that the said order was duly served upon the Interborough Rapid Transit Company, and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified, on the 23rd day of December, 1907, and by adjournment duly had on the 9th day of January, 1908, and by adjournment duly had on the 21st day of January, 1908, and by adjournment duly had on the 29th day of January, 1908, and by adjournment duly had on the 5th day of February, 1908, and by adjournment duly had on the 13th day of February, 1908, Mr. Commissioner Eustis presiding at each of said sessions, and proof being taken, and Grosvenor H. Backus, Esq., Assistant Counsel, appearing for the Commission at each of said sessions, and Alfred A. Gardner, Esq., and Alfred E. Mudge, Esq., appearing for said Interborough Rapid Transit Company,

Now it being made to appear, after the proceeding upon the said hearing, that the service of the Interborough Rapid Transit Company on its Second Avenue Elevated line is unreasonable and inadequate in that said company does not operate trains enough or cars enough reasonably to accommodate passenger traffic transported by it or offered for transportation to it at the times hereinafter specified, and it appearing that it would be just, reasonable and proper that the said service of the Interborough Rapid Transit Company, on its Second Avenue Elevated line, should be supplemented in the particulars hereinafter set forth at the points and at the times so hereinafter set forth,

Therefore on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That said Interborough Rapid Transit Company increase its said service on its Second Avenue Elevated line so that said Company, daily except Saturday afternoons, Sundays and legal holidays, shall operate at least as many trains and cars as are specified in the following schedules at the hours and in the manner provided in said schedules, to wit:

Southbound Service.

(1) At least forty-nine (49) trains of at least seven (7) cars each and at least twenty-one (21) trains of at least five (5) cars each, southbound, past 34th Street station between 7:00 A. M. and 9:00 A. M., said seven car trains to be operated from 129th Street, or beyond, to South Ferry.

Northbound Service.

(2) At least sixteen (16) trains of at least three (3) cars each, northbound, past 42nd Street station between 3:00 P. M. and 4:00 P. M., said trains to be operated from South Ferry to 129th Street, or beyond.

(3) At least three (3) trains of at least three (3) cars each, and at least fourteen (14) trains of at least five (5) cars each, northbound, past 42nd Street station between 4:00 P. M. and 5:00 P. M., said trains to be operated from South Ferry to 129th Street, or beyond.

(4) At least forty-eight (48) trains of at least seven (7) cars each and at least twenty (20) trains of at least five (5) cars each, northbound, past 42nd Street station between 5:00 P. M. and 7:00 P. M., said seven car trains to be operated from South Ferry to 129th Street, or beyond, and said five car trains to be operated from a point as far south as Canal Street station to Freeman Street.

(5) At least two (2) trains of at least five (5) cars each, and at least nine (9) trains of at least three (3) cars each, northbound, past 42nd Street between 9 P. M. and 10:00 P. M., said trains to be operated from South Ferry to 129th Street, or beyond. And it is further

Ordered, That this order shall take effect on or before the 5th day of April, 1908, and shall remain in force until modified by the further order of this Commission. And it is further

Ordered, That on or before the 30th day of March, 1908, the Interborough Rapid Transit Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

(11)

O-230 D-1

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 230 D-1).

In the matter of the application
of

The City of New York relative to opening across the tracks of the Manhattan Beach Branch of the Long Island Railroad Company and the Brooklyn Union Elevated Railroad Company the following street: Hegeman Avenue between East Ninety-eighth Street and New Jersey Avenue, in the Borough of Brooklyn, City of New York.

An application having been made by the City of New York, under Section 61 of the Railroad Law, to this Commission, to determine whether a certain proposed new street, namely, Hegeman Avenue, between East Ninety-eighth Street and New Jersey Avenue, in the Borough of Brooklyn, City of New York, shall pass over or under or at grade of the tracks of the Manhattan Beach Branch of the Long Island Railroad Company and the Brooklyn Union Elevated Railroad Company, and application having been made to the Public Service Commission for the First District by the City of New York for the appointment of a time and place for a hearing in relation thereto,

Resolved, That a hearing be had on the said application in the Hearing Room, in the office of the Public Service Commission for the First District, at No. 154 Nassau Street, Borough of Manhattan, City of New York, at 2:30 o'clock in the afternoon on the sixteenth day of April, 1908; and it is further

Resolved, That notice of said hearing be given to all owners of land on the proposed extension of Hegeman Avenue between East Ninety-eighth Street and New Jersey Avenue, Borough of Brooklyn, City of New York, and to all owners of land adjoining the tracks of the Long Island Railroad Company and the tracks of the Brooklyn Union Elevated Railroad Company at or near the point of intersection of the said proposed extension of Hegeman Avenue with the said railroads, by publishing daily in the CITY RECORD for two weeks prior to the date of hearing, the notice set forth below; that notice of the said hearing be served upon the Long Island Railroad Company and upon the Brooklyn Union Elevated Railroad Company by a service of a copy of said notice personally upon an officer of each of the said railroad companies, at least ten (10) days in advance of the date set for said hearing; that notice of the said hearing be served upon the City of New York by a service of a copy of the said notice upon the Corporation Counsel, at least ten (10) days prior to the date set for the said hearing.

The notice for publication above indicated was as follows:

NOTICE TO PROPERTY OWNERS.

Pursuant to Section Sixty-one (61) of the Railroad Law the Public Service Commission for the First District hereby gives public notice to the City of New York, the Long Island Railroad Company, the Brooklyn Union Elevated Railroad Company, and to all owners of land adjoining the said railroads and that part of

HEGEMAN AVENUE,

Borough of Brooklyn, City of New York,

to be opened or extended from East 98th Street to New Jersey Avenue; that the Public Service Commission for the First District will hold a public hearing in its hearing room on the third floor of the Tribune Building, No. 154 Nassau Street, Borough of Manhattan, City of New York, on April 16th, 1908, at 2:30 o'clock in the afternoon, for the purpose of hearing an application made by the City of New York to the said Public Service Commission to determine whether the proposed extension of Hegeman Avenue from East 98th Street to New Jersey Avenue shall pass over or under or at grade of the tracks of the Long Island Railroad Company and of the Brooklyn Union Elevated Railroad Company, and to determine the manner and method of extending Hegeman Avenue across the said railroad tracks, the grade or grades of the street and such other matters pertaining thereto as may be brought before the Commission under the provisions of the Railroad Law.

Dated, March , 1908.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to conduct the hearing.

(12)

O-362

The Secretary presented the following order:

COMPLAINT ORDER (No. 362).

Board of Aldermen,
Complainants,
against

Interborough Rapid Transit Company,
Defendant.

Order No. 362, for satisfaction or answer within ten (10) days, as to an additional stairway at the 89th Street station of the Third Avenue elevated line, was approved, confirmed and ordered filed in the office of the Commission.

(13)

O-336

The Secretary stated that a communication had been received from the Union Railway Company of New York City, upon Final Order No. 336 of the Commission, with regard to the overhauling of all that Company's cars, notifying the Commis-

sion that the terms of the order were accepted and would be complied with. The answer was ordered filed.

(14)

O-363

The Secretary presented the following order:

TARIFF ORDER (No. 363).

Order No. 363, permitting the Long Island Railroad Company to put into effect upon three days notice, after filing with this Commission and publication at stations, freight tariff P. S. C. 1 N. Y. No. 81, was approved, confirmed and ordered filed in the office of the Commission.

(15)

O-364

Commissioner Bassett presented the following opinion:

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Addition to the service of the Long Island Railroad Company, in respect to the Safety Precautions at the Grade Crossing at Fresh Pond Road and Sherman Street, Borough of Queens, City of New York.

OPINION.

This matter was brought to the attention of the Commission by the Board of Aldermen and after examination of the premises, the Bureau of Inspection recommended that gates be operated at this point during the entire year, for the following reasons:

- (1) Because a public school within three blocks of this crossing on Fresh Pond Road is about to be opened.
- (2) Because by tabulations made, traffic is considerably heavier at this point than at other roads now guarded by flagmen.
- (3) Because of obstructions which prevent a view of approaching trains.
- (4) Because drivers approaching this crossing from the north are unable to see eastbound trains.

The Long Island Railroad Company operates, during the summer months, from about the first of June to the early part of September, a large number of trains across Fresh Pond Road, to the various race tracks. During the winter months only four trains a day, in each direction, are operated across this road, no gateman or flagman is on duty and the gates dismounted from their pedestals. There is a sign and an alarm bell at the crossing.

The testimony of the railroad officials is to the effect that the entire cost of maintaining a flagman at this crossing during the winter months is not over \$50 a month and as they have the gates there would be no additional expense. At the end of the

hearing it was stated by the railroad officials that there had been an accident at this point in which an automobile was run into, but that the accident occurred at a time when the gates were in operation and when a flagman was stationed there. It was also stated by the railroad officials that they would rather send a flagman ahead of each train operated across this crossing during the winter months than station a flagman at the road crossing.

While it might be less expensive for the railroad company to send its brakeman ahead of each train with a flag at this point, I believe, nevertheless, that in practice the employees would be apt to neglect this precaution and I do not favor an order of this Commission directing this means of reducing the danger. I recommend the adoption of an order directing the company to maintain a flagman at this crossing and operate the gates from May 1, 1908, for a period of two years. The school mentioned in the testimony will undoubtedly be opened by the middle of September and until it appears that the Fresh Pond Road will not be much used by these school children, it will, in my opinion, be reasonable to require an expenditure of \$50 a month on the part of the railroad company.

Dated, New York, March 23, 1908.

E. M. BASSETT, Commissioner.

Commissioner Bassett thereupon moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 364).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Addition to the service of the Long Island Railroad Company, in respect to Safety Precautions at the Grade Crossing at Fresh Pond Road and Sherman Street, Borough of Queens, City of New York.

Under Order for Hearing No. 283, made February 21, 1908.

This matter coming on upon the report of the hearing had herein on March 5, 1908, and it appearing that said hearing was held by and pursuant to an order of this Commission made February 21, 1908, No. 283, and returnable on the 5th day of March, 1908, and that the said order was duly served upon the Long Island Railroad Company and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified, on March 5, 1908, and by adjournment duly had on March 13, 1908, at both of which sessions Mr. Commissioner Bassett presided and Arthur DuBois, Esq., appearing for the Commission and John Keeney, Esq., appearing for the Long Island Railroad Company, and

proof having been taken at both of said sessions and it being made to appear after the proceedings on the said hearing that during certain winter months no flagman was stationed and no gates were operated at the grade crossing of the Long Island Railroad Company with the Fresh Pond Road and it being made to appear after the proceedings on said hearing that the regulations, practices, service and equipment of the said Railroad Company in respect to the transportation of persons upon said Long Island Railroad, in the First District, has been and is unsafe, unreasonable, improper and inadequate, because of the fact that insufficient precautions are taken for the safety of the public at the grade crossing at Fresh Pond Road, and it further appearing that changes, improvements and additions ought reasonably to be made in the manner below set forth, in order to promote the security or convenience of the public or of the railroad employees, or in order to secure adequate service and facilities for the transportation of passengers, and it being the judgment of the Commission that the changes, additions and improvements in the regulations, equipment, appliances and service of the said company, as below set forth are such as are just, reasonable, safe, adequate and proper and ought reasonably to be made, in order to promote the security and convenience of the public and employees of the Railroad Company,

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the Long Island Railroad Company be and it hereby is directed and required to maintain, during the entire year, a gateman or flagman at the crossing of its tracks with the Fresh Pond Road, in the Borough of Queens, and that the safety gates at this grade crossing be operated by said gatemen or flagman during all hours in which trains are scheduled to pass this point.

It is further Ordered, That said service be put into effect by the said Long Island Railroad Company not later than May 1, 1908, and that it be continued for a period of two years.

And it is further Ordered, That the said Long Island Railroad Company notify the Public Service Commission for the First District within 5 days after service of this order upon it whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

(16)

O-365

Commissioner Maltbie presented the following opinion:

In the Matter
of

The Hearing on the Motion of the Commission on the Question of whether the Order heretofore made by the Commission on February 14, 1908, known as Order No. 260, directing the Third Avenue Railroad Company, Dry Dock, East Broadway and Battery Railroad Company and the 42nd Street, Manhattanville and St. Nicholas Avenue Railway Company, or Frederick W. Whitridge, their Receiver, to turn out not fewer than three closed cars daily, not including Sundays and holidays, over-hauled and repaired, as provided in said Order, and also to have all their open cars so over-hauled and repaired on or prior to the 1st day of May, 1908, should be modified in any respect because of lack of materials or facilities.

OPINION.

Upon February 14th, this year, the Commission adopted an order requiring the Third Avenue Railroad Company, the Dry Dock, East Broadway and Battery Railroad and the 42nd Street, Manhattanville and St. Nicholas Avenue Railway Company, or their receiver, to thoroughly inspect, overhaul and repair the cars operated upon these lines prior to May 1st, 1908. The order also provided that the companies, or their receiver, should notify the Commission daily in writing, in the form prescribed by the Commission, of the number of cars overhauled and repaired upon that day; and, further, that the companies, or their receiver, should forward daily, from and after the 1st of March, a transcript of the entries in the "run-in" book or books.

Some time after the adoption of the order the receiver notified the Commission that he would be unable to comply with the order so far as the overhauling and repairing of the cars were concerned within the time provided because of lack of materials and facilities. Accordingly an order was issued upon March 13th, directing that a hearing be held to consider whether the original order adopted upon February 14th should be modified.

At the hearing held upon March 21st, Mr. Edward A. Maher appeared for the receiver of the three companies affected and testified to the lack of facilities and materials. The evidence given by Mr. Maher and Mr. McWhirter showed that it would probably be possible for the companies or their receiver, to overhaul and repair all of the cars to be used during the summer months by the 15th of May, and certainly by the 31st of May; and to overhaul and equip all of their closed cars by the 20th of September. I have, therefore, directed that an order be drawn modifying the original order in these respects.

As to the two other provisions in the original order, relating to daily reports of repaired cars and transcript of the daily entries in the "run-in" books, Mr. Maher testified that he knew of no reason why such notices and transcripts should not be filed as required by the order. I have directed, therefore, that the original order, No. 260, be left to stand as it is.

(Signed) MILO R. MALTBIE, Commissioner.

Commissioner Maltbie thereupon moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 365).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of whether the Order heretofore made by the Commission on February 14, 1908, known as Order No. 260, directing the Third Avenue Railroad Company, Dry Dock, East Broadway and Battery Railroad Company and the 42nd Street, Manhattanville and St. Nicholas Avenue Railway Company, or Frederick W. Whitridge, their Receiver, to turn out not fewer than three closed cars daily, not including Sundays and holidays, over-hauled and repaired, as provided in said Order, and also to have all their open cars so over-hauled and repaired on or prior to the 1st day of May, 1908, should be modified in any respect because of lack of materials or facilities.

An order, known as No. 260, having been duly made by the Commission on February 14, 1908, directing, among other things, the Third Avenue Railroad Company, Dry Dock, East Broadway and Battery Railroad Company, and the 42nd Street, Manhattanville and St. Nicholas Avenue Railway Company, or Frederick W. Whitridge, their receiver, to turn out not fewer than three closed cars daily, not including Sundays and holidays, overhauled and repaired as provided in said order, and also to have all their open cars so overhauled and repaired on or prior to May 1, 1908, and thereafter a certain order known as Order No. 341, having been made by the Commission on March 13, 1908, directing that a hearing be held on the question of whether said order No. 260 should be modified in any respect, and said order having been duly served on said Frederick W. Whitridge, as said receiver, on March 14, 1908, and said hearing having been duly had in pursuance thereof, and in pursuance of adjournments, on March 21, 1908, Commissioner Maltbie presiding, Mr. Henry H. Whitman appearing as counsel for the Commission, Mr. Edward A. Mahar, General Manager for said Frederick W. Whitridge, as said receiver, having attended at said hearing, and it appearing in the opinion and judgment of the Commission that because of lack of materials and facilities said order No. 260 ought reasonably to be modified as hereinafter provided; it is

Ordered, That the Third Avenue Railroad Company, Dry Dock, East Broadway and Battery Railroad Company and the 42nd Street, Manhattanville and St. Nicholas Avenue Railway Company, and Frederick W. Whitridge, their Receiver, overhaul and repair, as provided in said order, on or before May 31, 1908, all of their open cars, and also that they overhaul and repair, as provided in said order, on or before May 31, 1908, so many of their closed cars as are required for use during the summer months, and also that they overhaul and repair, as provided in said order, on or before September 20, 1908, all of their remaining closed cars; and it is further

Ordered, That except as hereinbefore expressly modified, said Order No. 260 stand unchanged and unmodified as respects said Third Avenue Railroad Company, Dry Dock, East Broadway and Battery Railroad Company and the 42nd Street, Manhattanville and St. Nicholas Avenue Railway Company, and their said Receiver; and it is further

Ordered, That the Third Avenue Railroad Company, Dry Dock, East Broadway and Battery Railroad Company and the 42nd Street, Manhattanville and St. Nicholas Avenue Railway Company, or their said Receiver, notify the Commission in writing within five days after the service of this order whether its terms are accepted and will be obeyed.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

(17)

The Secretary presented the following vouchers, the bills of which have been duly approved by Commissioner Maltbie, as Committee on Audit, for the month of March, whereupon, on motion, duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of The City of New York for payment.

Voucher No.	In Favor of.	Services or Material.	Amount.
850	Buff & Buff Mfg. Co.....	Repairing Transit, Bill March 13, 1908.....	\$17.90
851	H. F. Bindseil.....	Rent, 88 Centre St., Month March, Bill March 5, 1908.....	60.00
852	The Central District & Printing Telegraph Co.....	Telegraph service mos. Jan. Feb. Mar. 1908 Bill Feb. 13, 1908.....	13.75
853	The Canton Art Metal Co..	Stationery supplies, Bill Mar. 14, 1908.....	20.41
854	Cortlandt Engineering Co...	Electric wiring, etc., Bill March 9, 1908.....	9.99
855	Herbert DuPuy.....	Rent Empire Bldg. Pittsburg Pa. mos. Jan. Feb. Mar., Bill Feb. 1, 1908.....	293.75
856	Finn Brothers.....	Furniture repairs, Bills Feb. 25, Mar. 10, 1908...	13.45
857	Great Bear Spring Co.....	Spring water, Bill Feb. 29, 1908.....	15.00
858	Knickerbocker Blue Print Co.	Blue and white prints, Bill Mar. 9, 1908.....	5.58
859	Koller & Smith.....	Map case, Bill March 11, 1908.....	65.00

Voucher No.	In Favor of.	Services or Material.	Amount.
860	The Lawyers' Co-operative Publ'shg Co.....	Interstate Commerce Reports, Bill Jan. 21, 1908..	52.00
861	August Muller.....	Janitor service, mon. Feb. Bill Mar. 1, 1908.....	8.00
862	William H. Miller.....	Janitor service, mon. Feb. Bill Feb. 29, 1908.....	26.00
863	The New York Blue Print Paper Co.....	Prints, bills Jan. 2 (2) Feb. 1, 13, 14, Mar. 12, 1908.....	345.84
864	Philip Prince.....	Janitor service, mon. Feb. Bill Feb. 29, 1908.....	15.00
865	The Twinlock Co.....	Stationery supplies Bill Mar. 13, 1908.....	12.00
866	Union Towel Supply Co....	Towel service mon. Feb. Bill Feb. 29, 1908.....	26.83
867	George W. White.....	Rent. 323 Schermerhorn St. Brooklyn, mon. Feb. Bill March 1, 1908.....	32.00
868	A. A. Weeks-Hoskins Co....	Furniture, bills Feb. 15, 17, 25, Mar. 7, 1908.....	237.75
869	W. A. White.....	Rent 317 Furman St. Bk'n mos. Jan. Feb. Mar. Bill March 4, 1908.....	39.00
870	W. A. Aiken.....	General Inspector of Material, Disbursements February, 1908.....	129.80
871	George Hallett Clark.....	Division Engineer Disbursements Feb. 1908.....	9.25
872	George F. Daggett.....	Chief Clerk, Bureau of complaints and accidents Disbursements Feb. 1908.....	82.23
873	Arthur DuBois.....	Assistant Counsel, Disbursements Feb. 1908.....	12.68
874	H. A. D. Hollmann.....	Auditor, Disbursements Feb. 1908.....	97.08
875	Thomas D. Hoxsey.....	Secretary, Bureau of Gas and Electricity, Disbursements Feb. 1908.....	51.02
876	Milo R. Maltbie.....	Commissioner, Disbursements Jan. & Feb. 1908....	28.30
877	Andrew W. McLimont.....	Electrical Engineer, Disbursements Feb. 1908....	40.91
878	John H. Myers.....	Division Engineer, Disbursements Feb. 1908.....	4.60
879	Frederick C. Noble.....	Division Engineer, Disbursements Feb. 1908.....	14.57
880	C. V. V. Powers.....	Division Engineer, Disbursements Feb. 1908.....	27.27
881	Amos L. Schaeffer.....	Division Engineer, Disbursements Feb. 1908.....	12.84
882	Henry B. Seaman.....	Chief Engineer, Disbursements Jan. & Feb. 1908...	55.06
883	D. L. Turner.....	Gen'l Inspector of Stations, Disbursements Feb. 1908.....	27.90
884	D. L. Turner.....	Gen'l Inspector of Stations, Disbursements, Aug. Oct. Nov. Dec., 1907 and Feb. 1908.....	145.90
885	D. L. Turner.....	Gen'l Inspector of Stations, Disbursements Feb. 1908.....	361.44
Total.....			<u>\$2,410.10</u>
886	John J. Friedman.....	Services as Com'r of Appraisal—Easements in Westchester Ave., etc. etc.....	\$1,090.00
887	Frank J. Dupignac.....	Services as Com'r of Appraisal—Easements in Westchester Ave. etc. etc.....	1,040.00
888	Moses H. Moses.....	Services as Com'r of Appraisal—Easements in Westchester Ave. etc. etc.....	630.00
Total.....			<u>\$2,760.00</u>
889	Herbert C. Plass.....	Services as an expert to Com'rs of appraisal—Easements at Joralemon and Furman Sts. Bk'n....	\$2,000.00
890	The Chauncey Real Estate Co.....	Services as expert to Com'rs of Appraisal—Easements at Joralemon and Furman Sts. Bk'n....	2,000.00
Total.....			<u>\$4,000.00</u>

The following payrolls were approved by Commissioner Bassett as Acting Chairman:

Voucher No.	In Favor of.	Services or Material.	Amount.
848	Gas Meter Testers.....	Week ending March 18, 1908.....	\$279.00
849	Inspectors of Masonry.....	Week ending March 18, 1908.....	1,491.22

The following payrolls were approved by Chairman Willcox:

847	Transportation Bureau.....	Supplementary roll, month ending Feb. 29, 1908..	\$65.52
913	Office staff.....	Month ending Mar. 31, 1908.....	6,068.85
914	Law Department.....	Month ending Mar. 31, 1908.....	3,056.66
915	Bureau of Statistics and Accounts.....	Month ending Mar. 31, 1908.....	1,240.00
916	Engineering Corps.....	Month ending Mar. 31, 1908.....	31,710.55
917	Transportation Bureau.....	Month ending Mar. 31, 1908.....	6,311.67
918	Bureau of Gas and Electricity.....	Month ending Mar. 31, 1908.....	1,070.74
919	Transportation Bureau (Supplementary).....	Month ending Mar. 31, 1908.....	45.16
Total.....			<u>\$51,339.37</u>

To State Comptroller:

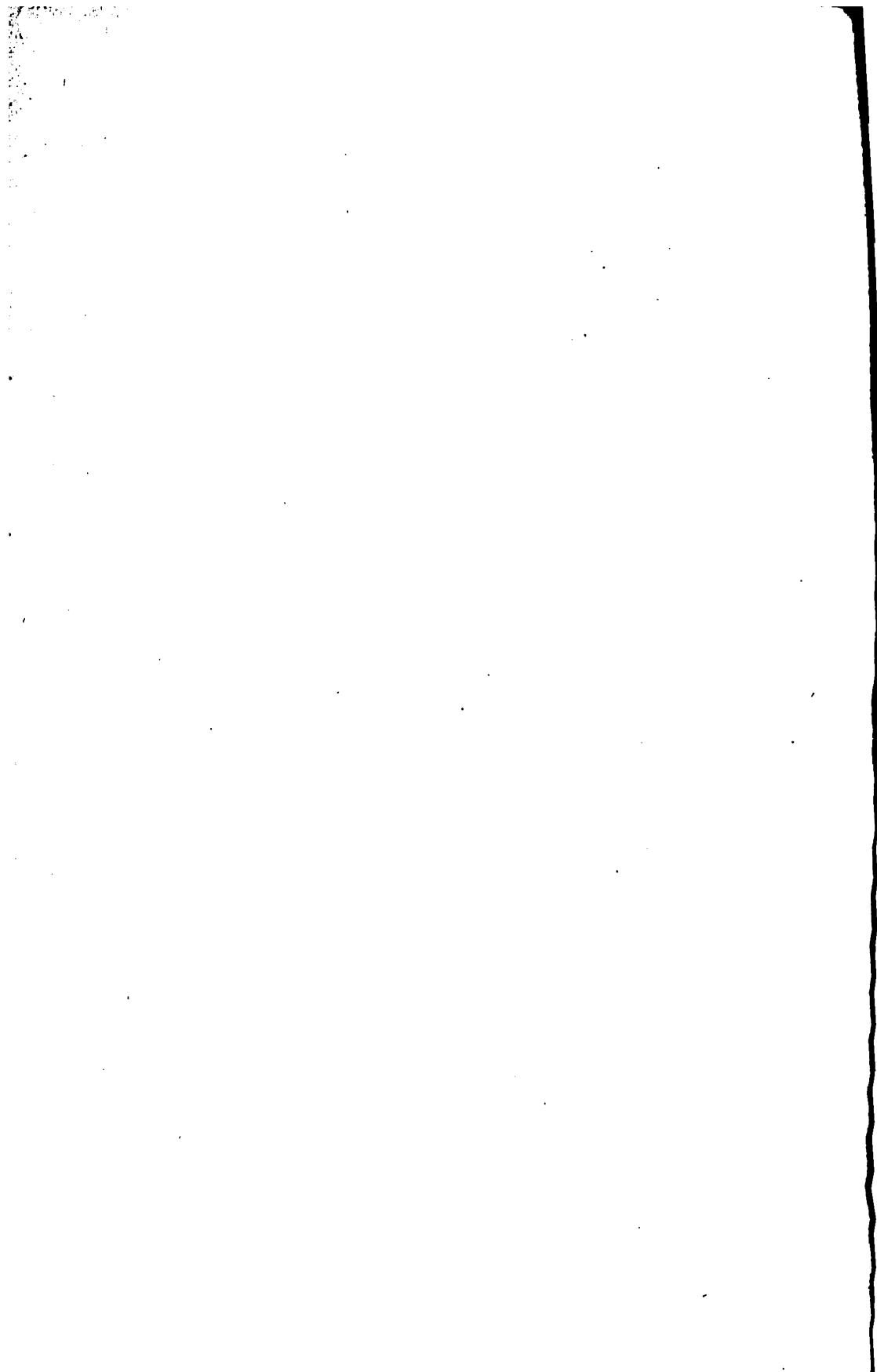
920	Salaries of Commissioners, Counsel and Secretary....	Month ending March 31, 1908.....	\$7,583.33
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Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.



PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, MARCH 27, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Commissioner Edward M. Bassett, Acting Chairman; Commissioners William McCarroll, Milo R. Maltbie, John E. Eustis.

(1)

On motion, duly seconded, Commissioner Bassett was elected Acting Chairman.

(2)

On motion, the record of the proceedings of the Commission for March 24, 1908, as printed in the CITY RECORD for March 27, 1908, was approved.

(3)

3099

Commissioner McCarroll, to whom, on January 28, the Commission had referred the communication from Bird S. Coler, President of the Borough of Brooklyn, with regard to the changing of steps in front of the Municipal Building, so as to facilitate entrance to the Subway, reported that such steps had now been changed. The papers were ordered filed.

(4)

2063, 2532

The Secretary presented the following notices of deposit from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which were ordered filed:

DEAR SIR—I beg to advise you that on March 12th, 1908, the sum of Five Thousand Dollars (\$5,000.00) was deposited to the credit of Revenue Bond Fund—For the Public Service Commission for the 1st District New York, Expenses of. Authorized December 20th, 1907, pursuant to the provisions of Section 14 Chapter 429 of the Laws of 1907.

DEAR SIR—I beg to advise you that on March 18th, 1908, the sum of Ten Thousand, Two Hundred and Six and 38/100 Dollars (\$10,206.38) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Man-

(23)

[Form 2016]

[I M (B)]

hattan, (Sub-Title No. 4). Authorized June 21, 1907, pursuant to the provisions of Section 10 Chapter 4 Laws of 1891.

Principal	\$10,000.00
Premium	206.38
	<u>206.38</u>

DEAR SIR—I beg to advise you that on March 18th, 1908, the sum of Eighteen Thousand, Three Hundred and Seventy-one and 48/100 Dollars (\$18,371.48) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan (Sub-Title No. 3).

Authorized June 21, 1907, pursuant to the provisions of Section 10 Chapter 4 Laws of 1891.

Principal	\$18,000.00
Premium	371.48
	<u>371.48</u>

DEAR SIR—I beg to advise you that on March 13th, 1908, the sum of Six Hundred and Sixty-three Thousand, Four Hundred and Fourteen and 38/100 Dollars (\$663,414.38) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn-Manhattan,

Authorized September 12, 1902.....	\$334,500.00
" June 23rd, 1905.....	315,500.00
	<u>315,500.00</u>

—pursuant to the provisions of Chapter 4 Laws of 1891 as amended by Chapter 7 Laws of 1900 and Sections 45, 169 and 170 of the Greater New York Charter as amended.

Principal	\$650,000.00
Premium	13,414.38
	<u>13,414.38</u>

DEAR SIR—I beg to advise you that on March 14th, 1908, the sum of Three Thousand Dollars (\$3,000.00) was deposited to the credit of Revenue Bond Fund—For the Public Service Commission for the 1st District New York, Expenses of. Authorized December 20, 1907, pursuant to the provisions of Section 10 Chapter 4 Laws of 1891, and Section 14 Chapter 429 Laws of 1907.

DEAR SIR—I beg to advise you that on March 11th, 1908, the sum of Forty-one Thousand, Seven Hundred and Twenty-two and 46/100 Dollars (\$41,722.46) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan, (Sub-Title No. 4). Authorized December 20, 1907, pursuant to the provisions of Section 10, Chapter 4, Laws of 1891, as amended by Section 14, Chapter 429, Laws of 1907.

Principal	\$40,000.00
Premium	1,722.46
	<u>1,722.46</u>

DEAR SIR—I beg to advise you that on March 17, 1908, the sum of Twenty-five Thousand, Five Hundred and Fifteen and 94/100 Dollars (\$25,515.94) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan, (Sub-Title No. 2). Authorized May 24, 1907, pursuant to the provisions of Section 10, Chapter 4, Laws of 1891 as amended.

Principal	\$25,000.00
Premium	<u>515.94</u>

DEAR SIR—I beg to advise you that on March 18th, 1908, the sum of Forty Thousand, Eight Hundred and Twenty-five and 50/100 Dollars (\$40,825.50) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan (Sub-Title No. 5), Authorized June 21, 1907, pursuant to the provisions of Section 10 Chapter 4 Laws of 1891.

Principal	\$40,000.00
Premium	<u>825.50</u>

DEAR SIR—I beg to advise you that on March 10th, 1908, the sum of Five Thousand Dollars (\$5,000.00) was deposited to the credit of Revenue Bond Fund—For the Public Service Commission for the First District, New York, Expenses of. Authorized December 20, 1907, pursuant to the provisions of Section 10 Chapter 4 Laws of 1891 as amended by Section 14 Chapter 429 Laws of 1907.

(5)

1521

The Secretary presented a communication from George S. Coleman, Counsel to the Commission, in regard to an application of the City of New York to determine whether East 167th Street, Borough of The Bronx, shall cross the tracks of the New York and Harlem Railroad above the grade of such railroad tracks, on an overhead bridge for general traffic, and on motion duly seconded it was

Resolved, That the Secretary be authorized to approve in the name of the Commission the modified plans for such bridge, and that notice be served personally or by mail, of the final determination of the Commission, on those persons to whom notice of the original application had been sent by the former Board of Railroad Commissioners.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(6)

2092

The Secretary stated that the agreement dated February 18, 1908, modifying the contract for the construction of Section 9-0-2 of the Brooklyn Loop Lines, with the Degnon Contracting Company, had been fully executed, and that one of the originals had been given to the Degnon Contracting Company, and one transmitted to the Comptroller of the City of New York.

(7)

2093

The Secretary stated that the agreement dated February 18, 1908, modifying the contract for the construction of Section 9-0-3 of the Brooklyn Loop Lines, with the Cranford Company, had been fully executed, and that one of the originals had been given to the Cranford Company, and one transmitted to the Comptroller of the City of New York.

(8)

2795

On motion, duly seconded, it was

Resolved, that the following appointment be terminated:

Name	Position	To Take Effect
H. Anderson.....	Janitor (Exempt).....	February 29, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

On motion, duly seconded, it was thereupon

Resolved, that the following appointment be made, as approved by the State Civil Service Commission:

Name	Position	Salary	To Take Effect
Joseph B. Wilson.....	Janitor (Exempt)....	\$6 per month...	February 29, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(9)

2933

On motion, duly seconded, it was

Resolved, that the following appointment be terminated:

Name	Position	To Take Effect
Charles Vollbracht.....	Gas Meter Tester (Temporary).....	March 25, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(10)

3045

On motion, duly seconded, the following promotion of an employee of the Commission who has been with the Commission for more than six months, was made, to take effect April 1, 1908:

Name	Position	Salary
James H. Reynolds.....	Gas Meter Tester, 1st Grade.....	\$90 per month

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(11)

O-366

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 366).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service and Equipment of the Interborough Rapid Transit Company in the Particulars herein below mentioned.

It is hereby Ordered, That a hearing be had on the 13th day of April, 1908, at 3.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the Rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, equipment, appliances and service of the Interborough Rapid Transit Company, in respect to the transportation of persons on its Second Avenue Elevated Line, within the First District, are unjust, unreasonable, improper or inadequate, and if it be so found, then to determine whether changes in said regulations, practices, equipment, appliances or service in the particulars following will be just, reasonable, safe and proper, and whether such changes shall be put in force, observed and used on the Second Avenue Elevated line of said Company, and also to inquire and determine whether repairs, improvements, changes or additions to or in the tracks or other property or devices used by said Company ought reasonably to be made in the particulars following in order to promote the security or convenience of the public, or in order to secure adequate service or facilities for the transportation of passengers, namely, whether said Company should be directed to construct and maintain a station or stations, completely equipped for the accommodation of passengers in both directions, at the intersection of Delancey and Allen Streets on the Second Avenue Elevated line of said Company, and whether said Company should be directed to remove the present stations at the intersection of Allen and

(7)

2093

The Secretary stated that the agreement dated February 18, 1908, modifying the contract for the construction of Section 9-o-3 of the Brooklyn Loop Lines, with the Cranford Company, had been fully executed, and that one of the originals had been given to the Cranford Company, and one transmitted to the Comptroller of the City of New York.

(8)

2795

On motion, duly seconded, it was

Resolved, that the following appointment be terminated:

Name	Position	To Take Effect
H. Anderson.....	Janitor (Exempt).....	February 29, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

On motion, duly seconded, it was thereupon

Resolved, that the following appointment be made, as approved by the State Civil Service Commission:

Name	Position	Salary	To Take Effect
Joseph B. Wilson.....	Janitor (Exempt)....	\$6 per month...	February 29, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(9)

2933

On motion, duly seconded, it was

Resolved, that the following appointment be terminated:

Name	Position	To Take Effect
Charles Vollbracht.....	Gas Meter Tester (Temporary).....	March 25, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(10)

3045

On motion, duly seconded, the following promotion of an employee of the Commission who has been with the Commission for more than six months, was made, to take effect April 1, 1908:

Name	Position	Salary
James H. Reynolds.....	Gas Meter Tester, 1st Grade.....	\$90 per month

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(11)

O-366

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 366).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service and Equipment of the Interborough Rapid Transit Company in the Particulars herein below mentioned.

It is hereby Ordered, That a hearing be had on the 13th day of April, 1908, at 3.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the Rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, equipment, appliances and service of the Interborough Rapid Transit Company, in respect to the transportation of persons on its Second Avenue Elevated Line, within the First District, are unjust, unreasonable, improper or inadequate, and if it be so found, then to determine whether changes in said regulations, practices, equipment, appliances or service in the particulars following will be just, reasonable, safe and proper, and whether such changes shall be put in force, observed and used on the Second Avenue Elevated line of said Company, and also to inquire and determine whether repairs, improvements, changes or additions to or in the tracks or other property or devices used by said Company ought reasonably to be made in the particulars following in order to promote the security or convenience of the public, or in order to secure adequate service or facilities for the transportation of passengers, namely, whether said Company should be directed to construct and maintain a station or stations, completely equipped for the accommodation of passengers in both directions, at the intersection of Delancey and Allen Streets on the Second Avenue Elevated line of said Company, and whether said Company should be directed to remove the present stations at the intersection of Allen and

Rivington Streets as soon as said station or stations at the intersection of Allen and Delancey Streets can be completed.

And if such changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Interborough Rapid Transit Company be given at least ten days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said Company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Acting Chairman designated Commissioner Eustis to conduct the hearing.

(12)

O-367

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 367).

Henry G. Kost,
Complainant,
against

New York, New Haven and Hartford
Railroad Company,
Defendant.

Upon the complaint herein, upon which Order No. 29 was issued on or about the fourth day of October, 1907, and the answer of the New York, New Haven and Hartford Railroad Company thereto, verified the fourteenth day of October, 1907, it is

Ordered, That upon the matters contained therein a hearing be had on the tenth day of April, at 2.30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at Number 154 Nassau Street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said complainant and the said New York, New Haven and Hartford Railroad Company be given at least five (5) days' notice of such hearing, by service upon said Henry G. Kost, 472 East 134th Street, New York City and upon the said New York, New Haven and Hartford Railroad Company, either personally or by mail, of a certified copy of this order, and that at such hearing said com-

plainant and said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Acting Chairman designated Commissioner Eustis to conduct the hearing.

(13)

O-368

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 368).

William Henderson and One Hundred
and Fifty Others,
Complainants,
against
Union Railway Company,
Defendant.

Inadequate service on Fort Schuyler
Road, Westchester Village, to the Eastern
Boulevard.

Upon the complaint herein, upon which Order No. 323 was issued on or about the tenth of March, 1908, and the answer of the Union Railway Company thereto, verified the twelfth day of March, 1908, it is

Ordered, That upon the matters contained therein a hearing be had on the eighth day of April, 1908, at 3:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said complainants and the said Union Railway Company be given at least five (5) days' notice of such hearing, by service upon said William Henderson, Eastern Boulevard, and upon the said Union Railway Company, either personally or by mail, of a certified copy of this order, and that at such hearing said complainants and said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Acting Chairman designated Commissioner Eustis to conduct the hearing.

(14)

O-369

Commissioner Eustis moved the adoption of the following complaint order, which was duly seconded:

COMPLAINT ORDER (No. 369).

Patrick J. McGrath,
Complainant,
against

Interborough Rapid Transit Company,
Defendant.

Order No. 369, for satisfaction or answer within ten (10) days, as to inadequate stairways on Second Avenue elevated road at 80th Street, was approved, confirmed and ordered filed in the office of the Commission.

(15)

O-370

Commissioner Eustis moved the adoption of the following complaint order, which was duly seconded:

COMPLAINT ORDER (No. 370).

Ralph Folks,
Complainant,
against

Interborough Rapid Transit Company,
Defendant.

Order No. 370, for satisfaction or answer within ten (10) days, as to an additional stairway at 86th Street, on the Second Avenue elevated road, was approved, confirmed and ordered filed in the office of the Commission.

(16)

O-371

Commissioner Eustis moved the adoption of the following dismissal order, which was duly seconded:

DISMISSAL ORDER (No. 371).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service and Equipment of the Interborough Rapid Transit Company in the Particulars mentioned.

Order No. 371, dismissing proceedings upon hearing order No. 135, as to increase of service on the Ninth Avenue elevated line, the reason for such increase having ceased to exist, was approved, confirmed and ordered filed in the office of the Commission.

(17)

O-372

Commissioner McCarroll moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 372).

In the Matter

of

The Hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service and Equipment of the Brooklyn Heights Railroad Company, in respect to the Flatbush-Seventh Avenue Line.

It is Hereby Ordered, That a hearing be had on the 8th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, equipment, appliances and service of the Brooklyn Heights Railroad Company, in respect to transportation of persons in the the First District, are unjust, unreasonable, improper and inadequate, and whether the said company runs cars enough or with sufficient frequency or possesses or operates motive power enough reasonably to accommodate the passenger traffic transported by it or offered for transportation to it and if such be found not to be the fact, then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation and is and will be just, reasonable, proper and adequate to direct that the service of the said Brooklyn Heights Railroad Company on its Flatbush-Seventh Avenue line be increased and supplemented at the points and times and in the particulars following, that is to say:

(a) *Westbound*, leaving Seventh Avenue and 20th Street.

(1) Between 6:45 and 7:15 A. M. by an increase of one car in the Fulton Ferry service, making a total service of 7 cars, i. e., 3 to Fulton Ferry and 4 to City Hall.

(2) Between 7:15 and 7:45 A. M., by an increase of one car in the Fulton Ferry service, and 2 cars in the City Hall service, making a total service of 9 cars, i. e., 3 to Fulton Ferry and 6 to City Hall.

(3) Between 7:45 and 8:15 A. M., by an increase of one car in the Fulton Ferry service and 3 cars in the City Hall service, making a total service of 12 cars, i. e., 4 to Fulton Ferry and 8 to City Hall.

(4) Between 8:15 and 8:45 A. M., by an increase of 2 cars in the Fulton Ferry service and 4 cars in the City Hall service, making a total service of 12 cars, i. e., 4 to Fulton Ferry and 8 to City Hall.

(5) Between 8:45 and 9:15 A. M. by an increase of 2 cars in the City Hall service, making a total service of 10 cars, i. e., 4 to Fulton Ferry and 6 to City Hall.

(6) Between 9:15 and 9:45 A. M. by an increase of one car in the Fulton Ferry service and 2 cars in the City Hall service, making a total service of 8 cars, i. e., 4 to Fulton Ferry and 4 to City Hall.

(7) Between 9:45 and 10:15 A. M. by an increase of 4 cars in the City Hall service, making a total service of 9 cars, i. e., 4 to Fulton Ferry and 5 to City Hall.

(8) Between 10:15 and 10:45 A. M. by an increase of 3 cars in the City Hall service, making a total service of 7 cars, i. e., 4 cars to Fulton Ferry and 3 cars to City Hall.

(9) Between 10:45 and 11:15 A. M., by an increase of 3 cars in the City Hall service making a total of 7 cars, i. e., 4 to Fulton Ferry and 3 to City Hall.

(10) Between 11:15 and 11:45 A. M., by an increase of one car in the City Hall service, making a total service of 5 cars, i. e., 4 to Fulton Ferry and one to City Hall.

(11) Between 12:45 and 1:15 P. M., by an increase of 2 cars in the City Hall service, making a total service of 6 cars, i. e., 4 to Fulton Ferry and 2 to City Hall.

(12) Between 1:15 and 1:45 P. M., by an increase of 3 cars in the City Hall service, making a total service of 8 cars, i. e., 5 to Fulton Ferry and 3 to City Hall.

(13) Between 1:45 and 2:15 P. M., by an increase of 2 cars in the City Hall service, making a total service of 7 cars, i. e., 5 to Fulton Ferry and 2 to City Hall.

(14) Between 2:15 and 2:45 P. M., by an increase of 3 cars in the City Hall service, making a total service of 8 cars, i. e., 5 to Fulton Ferry and 3 to City Hall.

(15) Between 2:45 and 3:15 P. M., by an increase of 3 cars in the City Hall service, making a total service of 8 cars, i. e., 5 to Fulton Ferry and 3 to City Hall.

(16) Between 7:15 and 7:45 P. M., by an increase of 5 cars in the City Hall service, making a total service of 14 cars, i. e., 5 to Fulton Ferry and 9 to City Hall.

(17) Between 7:45 and 8:15 P. M., by an increase of 3 cars in the City Hall service, making a total service of 6 cars, i. e., 3 cars to Fulton Ferry and 3 cars to City Hall.

(b) *Eastbound*, leaving City Hall to Seventh Avenue and 20th Street.

(18) Between 10:45 and 11:15 A. M., by an increase of one car, or by an increase from 4 to 5 cars.

(19) Between 11:15 and 11:45 A. M., by an increase of 2 cars, or by an increase from 4 to 6 cars.

(20) Between 11:45 A. M., and 12:15 P. M., by an increase of 2 cars or by an increase from 5 to 7 cars.

(21) Between 12:15 and 12:45 P. M., by an increase of one car, or by an increase from 6 to 7 cars.

(22) Between 12:45 and 1:15 P. M., by an increase of one car, or by an increase from 6 to 7 cars.

(23) Between 1:15 and 1:45 P. M., by an increase of one car, or by an increase from 5 to 6 cars.

(24) Between 1:45 and 2:15 P. M., by an increase of one car, or by an increase from 5 to 6 cars.

(25) Between 2:15 and 2:45 P. M., by an increase of 2 cars, or by an increase from 5 to 7 cars.

(26) Between 2:45 and 3:15 P. M., by an increase of 3 cars, or by an increase from 4 to 7 cars.

(27) Between 3:15 and 3:45 P. M., by an increase of 3 cars, or by an increase from 6 to 9 cars.

(28) Between 3:45 and 4:15 P. M., by an increase of 2 cars, or by an increase from 8 to 10 cars.

(29) Between 4:15 and 4:45 P. M., by an increase of 3 cars, or by an increase from 8 to 11 cars.

(30) Between 4:45 and 5:15 P. M., by an increase of 4 cars, or by an increase from 8 to 12 cars.

(31) Between 5:15 and 5:45 P. M., by an increase of 3 cars, or by an increase from 9 to 12 cars.

(32) Between 5:45 and 6:15 P. M., by no increase, 12 cars were operated.

(33) Between 6:15 and 6:45 P. M., by an increase of 2 cars, or by an increase from 10 to 12 cars.

(34) Between 6:45 and 7:15 P. M., by an increase of 2 cars, or by an increase from 9 to 11 cars.

(35) Between 7:15 and 7:45 P. M., by an increase of one car, or by an increase from 3 to 4 cars.

(36) Between 7:45 and 8:15 P. M., by an increase of one car, or by an increase from 3 to 4 cars.

(37) Between 8:15 and 8:45 P. M., by an increase of 4 cars, or by an increase from 4 to 8 cars.

(38) Between 8:45 and 9:15 P. M., by an increase of 4 cars, or by an increase from 4 to 8 cars.

(39) Between 9:15 and 9:45 P. M., by an increase of 4 cars, or by an increase from 4 to 8 cars.

And if any such changes, improvements or additions be found to be such as ought to be made, as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Brooklyn Heights Railroad Company be given at least ten days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order and that at such hearing said Company be

afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Acting Chairman designated Commissioner McCarroll to conduct the hearing.

(18)

O-373

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded.

HEARING ORDER (No. 373).

In the Matter of

The hearing on motion of the Commission as to regulations, practices, equipment and service of the Interborough Rapid Transit Company in the respects hereinafter mentioned.

Signs and additional platform at the City Hall station of the Third Avenue Elevated Road.

It is hereby

Ordered, That a hearing be had on the 13th day of April, 1908, at 2:30 o'clock in the afternoon or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment, appliances or service of the Interborough Rapid Transit Company at the City Hall station upon its Third Avenue Elevated Road in respect to the transportation of persons, freight, or property within the State, are unjust, unreasonable, unsafe, improper or inadequate, and if it be so found, then to determine whether changes in said regulations, practices, equipment and appliances or service in the particulars following, at the place or places herein mentioned, would be just, reasonable, safe, adequate and proper, and whether such changes shall be put in force, observed and used on the line of said Company, and also to inquire and determine whether repairs, improvements, changes or additions to or in the tracks, switches, terminal facilities or other property or device used by said Company in the particulars following, ought reasonably to be made in order to promote the security or convenience of the public or employees or in order to secure adequate facilities for the transportation of passengers, freight or property, namely:

Whether said Company should be directed to erect and maintain an additional platform at said City Hall station on the Third Avenue Elevated Railroad, such platform to be constructed west of the tracks, similar to the existing platform east of the tracks; and

Whether said Company should be directed to display conspicuously signs at the said station, informing passengers that none other than Third Avenue trains leave

that station, and that in order to take Second Avenue trains they must change cars at Chatham Square, the next station.

And if such changes, improvements and additions, or any of them, be such as ought to be made as aforesaid, then to determine the extent thereof and what period would be a reasonable time within which the same ought to be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Interborough Rapid Transit Company be given at least ten days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters hereinbefore set forth.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Acting Chairman designated Commissioner Eustis to conduct the hearing.

(19)

O-374

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 374).

In the matter
of

The hearing on motion of the Commission on the question of improvements in and additions to the service and equipment of the Interborough Rapid Transit Company.

Service on Second Avenue Elevated road between 1 A. M. and 5 A. M.

It is hereby

Ordered, That a hearing be had on the 14th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at Number 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, equipment, appliances, and service of the Interborough Rapid Transit Company in respect to transportation of persons in the First District are unjust, unreasonable, improper or inadequate, in that no cars are run between the hours of 1 A. M. and 5 A. M. on any day upon the Second Avenue Elevated Road of said Company, and if such be found to be the fact, then to determine the number of cars that should be operated and the frequency of their operation, or the number of seats that should be furnished, within a given time or times and past a given point or points, upon said road between the hours above mentioned, in order reasonably to accommodate and transport the traffic offered for transportation on said road.

And if any such changes, improvements and additions be found to be such as ought to be made as aforesaid, then further to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Interborough Rapid Transit Company be given at least ten (10) days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters hereinbefore set forth.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Acting Chairman designated Commissioner Eustis to conduct the hearing.

(20)

O-375

Commissioner Bassett moved the adoption of the following complaint order, which was duly seconded:

COMPLAINT ORDER (No. 375).

West End Board of Trade, by D. B.

Seaver, Second Vice-President,

Complainant,

against

Brooklyn Union Elevated Railroad Company, Brooklyn Heights Railroad Company, Nassau Electric Railroad Company.

Defendants.

Order No. 375, for satisfaction or answer within ten (10) days, as to the operation of trains and surface cars at Sixty-fifth Street and Third Avenue Terminal, Brooklyn, was approved, confirmed and ordered filed in the office of the Commission.

(21)

O-376

Commissioner Bassett presented the following report:

In the Matter

of

The Hearing upon Motion of the Commission on the Question of Changes in the Regulations, Practices and Service of the Brooklyn Heights Railroad Company.

Cross-over switches on the Nostrand Avenue Line at Church Avenue.

REPORT.

This matter was brought to the attention of the Commission by the complaints of the Flatbush Tax Payers' Association and others. Their grievance is that the railroad company switches back cars at Church Avenue which should run through to

Vanderveer Park. As a means of putting an end to this abuse, the complainants ask that the company be ordered to remove the cross-over switch at Church Avenue.

After hearing the testimony of the complainants and of the railroad company, I believe that there is cause for complaint, but I do not believe that the proper method of correcting the existing abuses is to order the switch torn up. This cross-over or swich has its proper uses, and I believe that in this case and in all similar cases the Commission should refuse to order removal of cross-overs as a means of correcting the abuse of switching cars back unnecessarily.

From the company's testimony in this hearing, it would appear that a two and one-half minute headway is maintained in rush hours under normal conditions of travel. This I believe to be sufficient, and in order to prevent unnecessary switching back of cars I present herewith an order limiting the cars switched back to those which are crippled and to the switching back of one, and that the last one, of a number of cars that have become bunched. The practice has been to switch back the first car, and this almost invariably is the heaviest loaded. By specifying the last car I have, I believe, selected the one carrying the smallest number of passengers.

I believe that the adoption of this order will remedy the evil complained of, especially as the testimony of the complainants shows that since the service of the order for hearing conditions have been very materially bettered.

Dated, New York, March 25, 1908.

E. M. BASSETT.

Commissioner Bassett thereupon moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 376).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Changes in the Regulations, Practices and Service of the Brooklyn Heights Railroad Company. Cross-over Switch on the Nostrand Avenue Line at Church Avenue.

This matter coming on upon the report of the hearing had herein on the 23rd day of March, 1908, and it appearing that said hearing was held by, and pursuant to an order of this Commission, No. 326, made March 10, 1908, and returnable on the 23rd day of March, 1908, and that the said order was duly served upon the Brooklyn Heights Railroad Company and that the said service was by it duly acknowledged and that the said hearing was held by and before the Commission on the matters in said order specified, on March 23, 1908, before Mr. Commissioner Bassett, presiding, Arthur DuBois, Esq., appearing for the Commission and Arthur N. Dutton, Esq., appearing for the Brooklyn Heights Railroad Company, at which hearing proof was taken,

Now, it being made to appear, after the proceedings upon said hearing, that the regulations, practices and service of the Brooklyn Heights Railroad Company, in respect to the transportation of persons in the First District on its Nostrand Avenue line, between Church Avenue and Vanderveer Park, has been and is unreasonable, improper and inadequate, and it being the judgment of the Commission that the said Railroad Company does not run cars enough reasonably to accommodate the passenger traffic transported by or offered for transportation to it, on its Nostrand Avenue line, between Church Avenue and Vanderveer Park, and that the said Railroad Company does not run its cars with sufficient frequency between the said points on its Nostrand Avenue line,

Now, therefore, on motion of George S. Coleman, Counsel to the Commission, it is

Ordered, That with the exception of such cars as may be disabled or in need of immediate repair, or such car as may be the last of a group of three or more cars arriving at the Church Avenue cross-over at one time, no southbound car on the Nostrand Avenue line shall be switched back at Church Avenue.

That in no event shall the first car of a group of three or more cars arriving at Church Avenue at one time be switched back unless disabled or in need of immediate repair, nor shall any car be so switched back unless a car or cars ahead are held for the purpose of providing sufficient accommodation to carry the passengers transferring from the car switched back at Church Avenue.

And it is further Ordered, That this order shall take effect at once and continue in force for a period of two years from and after taking effect of the same, but without prejudice for an order for further or additional hearing and action thereon by the Commission in respect of anything herein prescribed or in respect of anything covered by the order for hearing herein, prior to the expiration of said period of two years.

And it is further Ordered, That before April 3, 1908, said Brooklyn Heights Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

O-377

Commissioner McCarroll moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 377).

Made after Rehearing.

In the Matter

of

The Hearing on the Motion of the Commission on the Question of Improvement in and Additions to the Service and Equipment of the Richmond Light and Railroad Company.

Under Order for Rehearing No. 354, made March 20, 1908.

This matter coming on upon the report of the rehearing of Order No. 185, had herein on the 25th day of March, 1908, and it appearing that the said rehearing was held by and pursuant to an order of this Commission, dated March 20, 1908, No. 354, and returnable on the 25th day of March, 1908, and that the said order was duly served upon the Richmond Light and Railroad Company and that said service was by it duly acknowledged, and that the said rehearing was held by and before the Commission on the matters in said order for rehearing specified on March 25, 1908, before Mr. Commissioner McCarroll, presiding, Adrian H. Larkin, Esq., appearing for the Richmond Light and Railroad Company and Arthur DuBois, Esq., appearing for the Commission, and the said Richmond Light and Railroad Company having been afforded reasonable opportunity for presenting evidence and examining and cross-examining witnesses, and testimony having been taken,

Now, after the proceeding upon said rehearing and after consideration of the facts, including those arising since the making of the order, the Commission being of opinion that the original order No. 185 for the improvement in and additions to the service and equipment of the Richmond Light and Railroad Company should be changed and modified in certain particulars,

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the Order No. 185, entered January 4, 1908, and directed to the improvement in and additions to the service and equipment of the Richmond Light and Railroad Company be and the same is changed and modified to read as follows:

ORDER No. 185.

In the Matter

of

The Hearing on the Motion of the Commission on the Question of Improvement in and Additions to the Service and Equipment of the Richmond Light and Railroad Company

Under Order for Hearing made November 11, 1907 and Order for Rehearing made March 20, 1908.

This matter coming on upon the report of the hearing had herein on the 21st day of November, 1907, and it appearing that the said hearing was held by and

pursuant to an order of this Commission made November 11, 1907, and returnable on November 21, 1907, and that the said order was duly served upon the Richmond Light and Railroad Company, and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on November 21, 1907, and by an adjournment duly had on November 27, 1907, and by an adjournment duly had on December 4, 1907, and by adjournment duly had on December 6, 1907, and by adjournment duly had on December 9, 1907, and by adjournment duly had on December 11, 1907, and by adjournment duly had on December 17, 1907, and by adjournment duly had on December 20, 1907, and by adjournment duly had on December 31, 1907, and by adjournment duly had again on December 31, 1907, and at all of said sessions Mr. Commissioner McCarroll presiding, and Abel E. Blackmar, Esq., Counsel to the Commission, appearing for the Commission at the session of November 21, 1907, Adrian H. Larkin, Esq., appearing for the Richmond Light and Railroad Company, and at all of the other sessions Arthur DuBois, Esq., appearing for the Commission, and Adrian H. Larkin, Esq., appearing for the Richmond Light and Railroad Company, and proof having been taken at all of said sessions, except at the two sessions of December 31, 1907,

Now it being made to appear after the proceedings upon said hearing that changes, improvements and additions in and to the regulations, equipment, appliances and service of the Richmond Light and Railroad Company in respect to the transportation of persons in the First District upon its various lines ought reasonably to be made in the manner below set forth in order to promote the security or convenience of the public, or of its employees, or in order to secure adequate service and facilities for the transportation of passengers, and it being made to appear that the changes, additions and improvements in regulations, equipment, appliances and service of the said company, as below set forth, are such as are just, reasonable, safe, adequate and proper, and ought reasonably to be made in order to promote the security and convenience of the public and employees.

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered,

(1) That the service of the Richmond Light and Railroad Company, on its St. George to Elizabethport Ferry line, be supplemented and changed as follows:

(a) That the schedules be so arranged that daily, except Sundays, not less than two (2) cars leave St. George within five minutes after the arrival of each ferryboat from Manhattan, between the hours of 5 and 7 P. M., and run over the Richmond Terrace, at least to the foot of Richmond Avenue, Port Richmond. One of the cars must continue to the Elizabethport Ferry.

(b) That the Sunday schedules be so arranged that not less than forty-four (44) cars be run from St. George to Elizabethport Ferry over the Richmond Terrace between the hours of 12 M. and 6 P. M.

(2) That all cars signed to run to St. George or to the New York Ferry at St. George be actually run over the elevated structure to the entrance of the Ferry and not stopped at Jay Street.

(3) That the service of the Richmond Light and Railroad Company on its Castleton Avenue line be supplemented and changed as follows:—

(a) That the schedules be so arranged that daily, except Sundays, not less than two (2) cars leave St. George within five minutes after the arrival of each ferry-boat from Manhattan, between the hours of 5 and 7 P. M., and run over the Castleton Avenue route to Columbia Street.

(b) That the schedules be so arranged that daily, except Sundays, not less than two (2) cars leave Columbia Street and run over the Castleton Avenue route to St. George to meet each boat leaving St. George between the hours of 7:45 and 8:45 A. M., both inclusive.

(4) That the following additions and changes in equipment, with the exception of those stated in subdivision (b), be made and completed as soon as possible, but not later than May 15, 1908.

(a) That the Company pass through the shops, making every required repair, all the present open car bodies, and all trucks and equipment, turning them out in as perfect condition as possible.

(b) That the Company provide and equip all cars in service with two new automatic circuit breakers of sufficient capacity and modern type. This work on all closed cars is to be completed by November 1, 1908 and on all open cars by May 15, 1908.

(c) That the Company provide and equip each of its cars in service with a gear case, for each motor thereon, and that each gear case shall at all times be maintained with sufficient gear grease to reduce the noise made by the gear and pinion, to a minimum. The gear case should preferably be maintained half full of grease.

(d) That the Company provide and maintain, in good condition, on all of its cars in service, two head lights, of the type used upon the 15-bench open cars, numbered 71 to 90, or light of equal power that will not project from the dash of the car further than those upon the 15-bench open cars numbered 71 to 90.

(e) That the Company provide and maintain, in good condition, two sets of fenders, complete, upon each car in service.

(f) That the Company provide and equip each car in service with proper lightning arrest equipment.

(g) That the Company exercise care that trolley ropes are of sufficient length to permit of trolley wheel following the trolley wire at railway crossings.

(h) That no more overhead trolley wire of the size known No. 0 be erected, but that all new wire constructed and all repairs and replacing of old or worn wire be made with No. 00 wire.

(i) That the Company carefully examine all wooden poles and change those that show a dangerous condition from decay or other cause and reset all poles that have excessive lean.

(j) That the Company overhaul all sections of track now in condition that cars cannot be operated at normal speed without severe oscillation, and make track suitable for satisfactory operation of 15-bench open cars. This refers particularly to all sections outside the paved streets.

(k) That the Company exercise great care that all cars are properly equipped with sand box outfits and that they are at all times kept supplied with suitable sand.

And it is further

Ordered, That this order shall take effect on January 10, 1908, and shall continue in force for a period of two years from and after the date of its taking effect, but without prejudice to an order for further or additional hearings and action thereon by the Commission in respect of anything herein prescribed, or in respect of anything covered by the order for hearing herein prior to the expiration of said period of two years.

And it is further

Ordered, That before January 10, 1908, the said Richmond Light and Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

O-378

Commissioner McCarroll moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 378).

Made after Rehearing.

In the Matter

of

The Hearing on the Motion of the Commission on the Question of Improvement in and Additions to the Service and Equipment of the Staten Island Midland Railway Company.

Under Order for Rehearing No. 355, made March 20, 1908.

This matter coming on upon the report of the rehearing of Order No. 186, had herein on the 25th day of March, 1908, and it appearing that the said rehearing was held by and pursuant to an order of this Commission, dated March 20, 1908, No. 186, and returnable on the 25th day of March, 1908, and that the said order was duly served upon the Staten Island Midland Railway Company and that said service was by it duly acknowledged, and that the said rehearing was held by and before the Com-

mission on the matters in said order for rehearing specified on March 25, 1908, before Mr. Commissioner McCarroll, presiding, Adrian H. Larkin, Esq., appearing for the Staten Island Midland Railway Company, and Arthur DuBois, Esq., appearing for the Commission, and the said Staten Island Midland Railway Company having been afforded reasonable opportunity for presenting evidence and examining and cross-examining witnesses, and testimony having been taken,

Now, after the proceeding upon said rehearing and after consideration of the facts, including those arising since the making of the order, the Commission being of opinion that the original Order No. 186 for the improvement in and additions to the service and equipment of the Staten Island Midland Railway Company should be changed and modified in certain particulars,

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the Order No. 186, entered January 4, 1908, and directed to the improvement in and additions to the service and equipment of the Staten Island Midland Railway Company, be and the same is changed and modified to read as follows:

ORDER No. 186.

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Additions to the Service and Equipment of the Staten Island Midland Railway Company.

Under Order for Hearing made November 11, 1907, and Order for Rehearing made March 20, 1908.

This matter coming on upon the report of the hearing had herein on the 21st day of November, 1907, and it appearing that the said hearing was held by and pursuant to an order of this Commission, made November 11, 1907, and returnable on November 21, 1907, and that the said order was duly served upon the Staten Island Midland Railway Company, and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on November 21, 1907, and by an adjournment duly had on November 27, 1907, and by an adjournment duly had on December 4, 1907, and by adjournment duly had on December 6, 1907, and by adjournment duly had on December 9, 1907, and by adjournment duly had on December 11, 1907, and by adjournment duly had on December 17, 1907, and by adjournment duly had on December 20, 1907, and by adjournment duly had on December 31, 1907, and by adjournment duly had again on December 31, 1907, and at all of said sessions Mr. Commissioner McCarroll presiding, and Abel E. Blackmar, Esq., Counsel to the Commission, appearing for the Commission at the session of November 21, 1907, Adrian H. Larkin, Esq., appearing for the Staten Island Midland Railway Company, and at all of the other sessions Arthur DuBois, Esq., appearing for the Commission and Adrian H. Larkin, Esq., appearing for the Staten Island Midland Railway Company,

and proof having been taken at all of said sessions, except at the two sessions of December 31, 1907,

Now, it being made to appear after the proceedings upon said hearing that changes, improvements and additions in and to the regulations, equipment, appliances and service of the Staten Island Midland Railway Company in respect to the transportation of persons in the First District upon its various lines ought reasonably to be made in the manner below set forth in order to promote the security or convenience of the public, or of its employees, or in order to secure adequate service and facilities for the transportation of passengers, and it being made to appear that the changes, additions and improvements in regulations, equipment, appliances and service of the said company, as below set forth, are such as are just, reasonable, safe, adequate and proper, and ought reasonably to be made in order to promote the security and convenience of the public and employees,

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is Ordered:

(1) That the service of the Staten Island Midland Railway Company, on its Silver Lake line, be supplemented and changed so that daily, except Sundays, not less than two cars leave St. George within five minutes after the arrival of each ferry boat from Manhattan between the hours of 5 and 7 P. M. and run over Silver Lake and Richmond Turnpike route to Port Richmond.

(2) That all cars signed to run to St. George or to the New York Ferry at St. George be actually run over the elevated structure to the entrance of the Ferry and not stopped at Jay Street.

(3) (b) That the company replace with new parts all broken, cracked or defective parts of the Bemis or St. Louis trucks now or recently in use under the closed car bodies number 150 to 163, inclusive.

(c) That the company pass through the shops, making every required repair, all the present open car bodies, trucks, equipment, turning them out in as perfect condition as possible before May 15, 1908.

(d) That the Company provide and equip all cars in service with two new automatic circuit breakers of sufficient capacity and modern type, this work on all open cars to be completed by May 15, 1908, and on all closed cars by November 1, 1908.

(e) That the Company provide and equip each of its cars in service with a gear case, for each motor thereon, and that each gear case shall at all times, be maintained with sufficient gear grease to reduce the noise made by the gear and pinion, to a minimum. The gear case should preferably be maintained half full of grease.

(f) That the Company provide and maintain in good condition on all of its cars in service, two head lights, of the type used upon the 15-bench open cars, numbered 71 to 90, on the Richmond Light and Railroad Company, or head lights of some other type of not less power that will not project from the dash of the car further than those upon the 15-bench cars of the Richmond Light and Railroad Company, Nos. 71 to 90.

(g) That the Company provide and maintain in good condition two sets of fenders, complete, upon each car in service.

(h) That the Company provide and equip each car in service with proper lightning arrest equipment.

(j) That the Company exercise care that trolley ropes are of sufficient length to permit of trolley wheel following the trolley wire at railway crossings.

(k) That no more overhead trolley wire of the size known as No. 0 be erected, but that all new wire construction and all repairs and replacing of old or worn wire be made with No. 00 wire.

(n) That the Company carefully examine all wooden poles and change those that show a dangerous condition from decay or other cause and reset all poles that have excessive lean.

(o) That the Company overhaul all sections of track now in such condition that cars cannot be operated at normal speed without severe oscillation, and make track suitable for satisfactory operation of 15-bench open cars. This refers particularly to all sections outside the paved streets.

(p) That the Company exercise great care that all cars are properly equipped with sand box outfits and that they are at all times kept supplied with suitable sand.

And it is further

Ordered, That this order shall take effect January 10, 1908, but the provisions in Section 3 and its subdivisions, except (d), shall be completed as soon as possible, but not later than May 15, 1908. This order shall continue in force for a period of two years from and after its date, but without prejudice to an order for further or additional hearings and action thereon by the Commission in respect of anything herein prescribed, or in respect of anything covered by the order for hearing herein prior to the expiration of said period of two years. And it is further

Ordered, That before January 10, 1908, the said Staten Island Midland Railway Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis

Nays—None.

Carried.

(24)

2204

The Secretary presented a communication from the Independence League Club, transmitting resolutions calling upon the Board of Estimate, this Commission and other authorities, to take action to provide the Borough of Brooklyn with the necessary transit facilities; and endorsing the plan to build subways by sections, to be paid for as the work progresses. The resolutions were ordered filed.

(25)

2132

The Secretary presented an extract from the minutes of the Flatbush Board of Trade, endorsing the action of its delegates to the Allied Boards of Trade in voting

for a resolution asking for the immediate construction of the Fourth Avenue subway, and requesting this Commission to approve and prepare plans for the construction of the Flatbush Avenue subway to Parkside Avenue, which was ordered filed.

(26)

O-379

Commissioner Bassett moved the adoption of the following dismissal order, which was duly seconded:

DISMISSAL ORDER (No. 379).

In the Matter
of

The Hearing on the Motion of the Commission upon the Question of Improvements in and Additions to the Service and Transportation Facilities of the Nassau Electric Railroad Company.

Order No. 379, dismissing proceedings upon Complaint Order No. 253, as to failure to stop trains at the 25th Avenue station on the West End Line, was approved, confirmed and ordered filed in the office of the Commission.

(27)

O-380

Commissioner Bassett moved the adoption of the following order, which was duly seconded:

EXTENSION ORDER (No. 380).

Jeremiah J. Coughlan,
Complainant,
against

Nassau Electric Railroad Company,
Defendant.

Order No. 380, extending the time within which the defendant may answer Complaint Order No. 328, as to the turnstile at the 16th Street station of the Fifth Avenue elevated line, to and including March 31, 1908, was approved, confirmed and ordered filed in the office of the Commission.

(28)

1265

The Secretary presented an opinion of the Counsel to the Commission with regard to three proposed deeds covering property adjacent to the Dyckman Street station of the Broadway branch of the subway, the approval of which was requested by the Interborough Rapid Transit Company in its letter of March 9, 1908; the opinion stating that there were possible inaccuracies in the descriptions of the properties, and suggesting that the Engineering Department of the Interborough Rapid Transit Company take up the matter with the Engineers of the Commission, with a view to preparing a precise description of the property, in order to assure a perfect title to the City.

On motion, the Secretary was directed to write to the Company in accordance with the suggestion of the Counsel to the Commission.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, MARCH 31, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

2132

The Secretary presented a communication from the Board of Estimate and Apportionment, transmitting the following resolution adopted on March 27, 1908:

Resolved, That the Board of Estimate and Apportionment hereby approve all the forms of contract presented by the Public Service Commission of the First District with a communication dated March 12th, 1908, and addressed to this Board covering the construction of the following sections of the Tri-Borough Rapid Transit System, which traverses sections of the Boroughs of the Bronx, Manhattan, Brooklyn and ultimately is to extend to the Borough of Richmond and Queens.

First—Number 1, Manhattan Bridge. From Manhattan Bridge along Flatbush Avenue Extension from Nassau to Willoughby Street.

Section No. 9-C-1—From a point near Willoughby Street to Ashland Place.

Third—Number 11-E-1 and 11-A-1. From Ashland Place and Fulton Street to Fourth Avenue and Sackett Street.

Fourth—Number 11-A-2. From Fourth Avenue and Sackett Street to Fourth Avenue and Tenth Street.

Fifth—Number 11-A-3. From Fourth Avenue and Tenth Street to Fourth Avenue and Twenty-seventh Street.

Sixth—Number 11-A-4. From Fourth Avenue and Twenty-seventh Street to Fourth Avenue, at or near Forty-third Street.

And requests the Public Service Commission to advertise immediately for proposals on said contracts.

A true copy of Resolution adopted by the Board of Estimate and Apportionment Mar. 27, 1908.

(Signed) JOSEPH HAAG, Secretary.

The Secretary also presented the following communication from John L. O'Brien, Acting Corporation Counsel:

FRANCIS K. PENDLETON, Corporation Counsel.

CITY OF NEW YORK—LAW DEPARTMENT,
OFFICE OF THE CORPORATION COUNSEL,
NEW YORK, March 30, 1908.

Hon. WILLIAM R. WILLCOX, Chairman of the Public Service Commission for the First District:

SIR—A communication from your commission, dated March 12, 1908, has been received, inclosing six copies of six proposed contracts for the construction of the Rapid Transit Railroad in Fourth Avenue and other streets in the Borough of Brooklyn, for my approval thereof as required by the provisions of section 13 chapter 752 of the Laws of 1894.

The contracts submitted are as follows:

Manhattan Bridge No. 1, for the construction of the section of such railway from the Manhattan Bridge approach and along the Flatbush Avenue extension to Willoughby Street.

No. 9-C-1, for the construction of the section of such railway from Willoughby Street to Ashland Place.

No. 11-E-1, and 11-A-1, for the construction of the section of such railway from Ashland Place and Fulton Street to Fourth Avenue and Sackett Street.

No. 11-A-2 for the construction of the section of such railway from Fourth Avenue and Sackett Street to Fourth Avenue and Tenth Street.

No. 11-A-3 for the construction of the section of such railway from Fourth Avenue and Tenth Street to Fourth Avenue and Twenty-third Street.

No. 11-A-4 for the construction of the section of such railway from Fourth Avenue and Twenty-seventh Street to Fourth Avenue and Forty-third Street.

Pursuant to your request the contracts in question have been examined and are correct in form.

I do not deem it advisable at this time to endorse my approval thereon because of the apparent lack of appropriation to complete the work covered by the contracts.

Respectfully yours,

(Signed) JOHN L. O'BRIEN, Acting Corporation Counsel.

On motion, duly seconded, it was thereupon

Resolved, That the invitation to contractors for the sections of the so-called Fourth Avenue Subway, be published twice a week, commencing with the week beginning April 6, 1908, and continuing for three weeks, in the CITY RECORD, and as follows in the enumerated daily newspapers:

Section 1, New York American, New York Herald, New York Press, New York Tribune, Brooklyn Daily Eagle.

Section 2, New York American, Sun, World, Globe and Commercial Advertiser, Brooklyn Citizen.

Section 3, Sun, New York Times, Globe and Commercial Advertiser, Evening Post, Standard Union.

Section 4, New York Press, New York Tribune, Evening Mail, Evening Post, Brooklyn Daily Times.

Section 5, New York Herald, World, Evening Mail, Brooklyn Daily Eagle.

Section 6, New York Times, Brooklyn Citizen, Brooklyn Daily Times, Standard Union, and that the bids be opened on May 8, 1908.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(2)

3200

The Secretary presented the following communication from the Corporation Counsel, with regard to the adjustment of the litigation in connection with the deviation of the subway route in Park Avenue, which was ordered filed:

CITY OF NEW YORK—LAW DEPARTMENT,
OFFICE OF THE CORPORATION COUNSEL,
NEW YORK, March 27, 1908. }

Public Service Commission for the First District, 154 Nassau Street, New York City:

SIRS—In reference to the contemplated arrangement referred to in my letter to you of February 14th, and in a communication from George S. Coleman, Esq., counsel to your Commission, under date of March 6th, 1908, as to the adjustment of the so-called Park Avenue litigation, I have to advise you as follows:

Since receipt of the communication of the date last mentioned, the proposed agreement in relation to this matter has been changed as follows:

The property owners are to be paid in cash instead of four per cent. bonds, as stated in the communication of 14th February addressed by me to you, already referred to, and the papers therefore to carry out the adjustment in question will have to be modified in that respect.

I have notified, of even date, your counsel, George S. Coleman, Esq., of the change in question.

Yours respectfully,

(Signed) F. K. PENDLETON, Corporation Counsel.

(3)

2094

The Secretary presented the following communication from the Comptroller, with regard to the property at Nos. 1, 3 and 5 Cleveland Place:

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
March 23, 1908. }

Hon. WILLIAM R. WILLCOX, Public Service Commission, 154 Nassau street, Manhattan:

SIR—This office has had offered to it by Messrs. Sinclair & Valentine, property known as 1, 3 and 5 Cleveland Place (formerly Marion Street). Prices were submitted on the part of the owners, as follows:

Value of the land.....	\$90,845.00
Value of building.....	48,051.00
Machinery contained in the building which cannot be removed.....	23,798.40
	<hr/>
	\$162,694.40
	<hr/>

Upon receipt of this offer, we transmitted the same to the Corporation Counsel in charge of the condemnation proceedings for the acquisition of the easements of the property, and under date of March 19, 1908, this office received a reply, copy of which is hereto annexed. On reading the communication transmitted herewith, you will find that the value of the land and buildings as put upon it by the Corporation Counsel's experts, who are ready to testify in the proceedings, is \$128,780. They have not had the machinery appraised, but in the event of condemnation proceedings, the City will be liable for the value of such machinery contained in the said building, and the amount of its value, whatever it may be, should be added to the estimate of their expert builder, Mr. Plass.

The owner of the property has stated to me privately that he will take \$150,000 for his land, building and machinery, and that although the proposition initiated by your Board was to take easements only, he understands that it is now the intention to take the entire holdings.

The owner also informs me that your own machinery expert in the proceedings has figured \$23,000 as the value of the machinery.

If your Board, in the face of the Corporation Counsel's expert's opinion, believes that the City should pay Messrs. Sinclair & Valentine \$150,000 for the land, building and machinery contained in the premises 1, 3 and 5 Cleveland Place, and will adopt a resolution approving of the acquisition thereof, I shall be pleased to present the matter to the Board of Estimate and Apportionment for their approval and for the authorization of the Corporate Stock to pay for the same. If, on the other hand, you believe that the property is not worth the money, and will so certify to me, I will inform Messrs. Sinclair & Valentine that they must go to condemnation proceedings, and thus enable them to prepare for the same.

Respectfully,

(Signed) HERMAN A. METZ, Comptroller.

It was understood that the Chairman would send the following letter:

March 31, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—I have received your letter of March 23d, enclosing copy of letter from the City Law Department, in relation to property known as 1, 3 and 5 Cleveland Place, Manhattan, belonging to Messrs. Sinclair & Valentine.

It appears that prior to February 1, 1908, the owners offered to sell the property to the City for \$162,694.40, but after examination, appraisal and protracted negotia-

tions the Commission were of the opinion that even the reduced price of \$150,000 was excessive, and that \$143,800 was all that could properly be offered for land, building and machinery. This offer having been rejected proceedings to condemn the property were duly initiated and are now pending.

Your letter states that the property may now be purchased for \$150,000, and you ask whether the Commission will adopt a resolution approving the purchase at that price.

If the Corporation Counsel (who has charge of the condemnation proceedings) will advise the Commission that in his opinion it would be for the best interests of the City to pay the sum now proposed (\$150,000) and save expenses of litigation the Commission will be pleased to give the matter prompt and careful consideration.

Respectfully,

Chairman.

(4)

2090

The Secretary presented the following communication from the Board of Estimate and Apportionment, with regard to the subway connection of the Manhattan approach to the Brooklyn Bridge, which was referred to the Committee of the Whole:

BOARD OF ESTIMATE AND APPORTIONMENT, CITY OF NEW YORK, }
OFFICE OF THE SECRETARY, NO. 277 BROADWAY, }

TRAVIS H. WHITNEY, Esq., *Secretary, Public Service Commission, 1st District*, Tribune Building, Manhattan:

DEAR SIR—At a meeting of the Board of Estimate and Apportionment held March 27, 1908, a report was presented from the Comptroller, to whom on February 7, 1908 was referred the request of the Bridge Commissioner for authority (pursuant to resolution adopted by the Board of Estimate December 6, 1907) to advertise for bids and award contract for the construction of the Subway connection of the Manhattan Approach to the Brooklyn Bridge,—recommending that no action be taken on this request until some arrangement has been made for the operation of trains over said bridge.

In accordance therewith the matter was referred to the Public Service Commission and to the Bridge Commissioner.

I transmit herewith copy of said report.

Very truly yours,

(Signed) WILLIAM W. LAURENCE, Assistant Secretary.

(5)

3249

The Secretary presented the following resolution adopted by the Board of Aldermen on March 24, 1908, and transmitted to this Commission, which was referred to Commissioner Eustis:

Whereas, The Yonkers Street Railway Company, which utilizes that part of New York City known as Broadway, from Two Hundred and Thirtieth Street to the ex-

treme northerly end of the boundary line of Greater New York, and from a point 100 feet north of the northeasterly corner of Broadway and Two Hundred and Thirtieth Street. The tracks occupied by said company are double tracks; from the above mentioned point south the said company has but a single track for a distance of over 200 feet, thereby impeding the traffic to a very serious extent, and often between the hours of 5 and 7 p. m. four cars are stalled at the point hereinbefore stated where the double track ceases; and be it

Resolved, That the Public Service Commission be and is hereby requested to examine the present existing evils and to recommend such alterations and improvements as will give to the traveling public immediate relief.

(6)

C-1796

The Secretary presented a resolution adopted by the Board of Aldermen on March 24, 1908, and transmitted to this Commission, with regard to additional stairways at the 18th Street station of the Third Avenue elevated line, and it was understood that a reply would be sent thereto, pointing out that the Commission has already taken action in regard to the lack of sufficient accommodations at this station. The resolution was as follows:

Resolved, That the Public Service Commission for the First District be and hereby is requested to investigate the congested conditions surrounding travel from the stations of the elevated railroad at Third Avenue and Eighteenth street, in the Borough of Manhattan, particularly during the rush hours in the morning and evening, to the end that relief may be had by the establishment of an additional stairway at the north and at the south bound stations at said point.

(7)

3243

The Secretary presented the following resolution adopted by the Board of Aldermen on March 24, 1908, and transmitted to this Commission, which was referred to Commissioner Bassett:

Resolved, That the attention of the Public Service Commission for the First District is called to the filthy, unsanitary condition of cars Nos. 51, 52, 53 and 54 of the Queens Division of the Long Island Electric Railway Company, with the request that the said company be required to restore the said cars to a condition of habitableness.

(8)

1881

The Secretary presented a communication from the Chief Engineer with regard to a bill of the Department of Water Supply, Gas and Electricity, dated February 18, 1908, against the Rapid Transit Commission, for expenses incurred by that Department in connection with the break in the water main at 41st Street and

Park Avenue, on January 22, 1907; transmitting reports of the present Division Engineer upon the section on which the break in the main occurred, and of Division Engineer Clark, under date of January 30, 1908; and concluding that the bill should not be paid by this Commission. The papers were referred to the Counsel to the Commission, for the preparation of an answer to the Department of Water Supply, Gas and Electricity.

(9)

O-364

The Secretary stated that a communication had been received from the Long Island Railroad Company, upon Final Order No. 364 of the Commission, as to safety precautions at the grade crossing at Fresh Pond Road and Sherman Street, Borough of Queens, notifying the Commission that the terms of the order were accepted under protest, and would be complied with. The answer was ordered filed.

(10)

O-365

The Secretary stated that a communication had been received from F. W. Whitridge, Receiver of the Third Avenue Railroad Company, upon Final Order No. 365 of the Commission, as to the inspection and repair of all cars, which was ordered filed, and which was as follows:

THIRD AVENUE RAILROAD COMPANY—FREDERICK W. WHITRIDGE, RECEIVER, }
65th Street and Third Avenue, }
New York, March 26, 1908. }

TRAVIS H. WHITNEY, Esq., *Secretary, Public Service Commission*, 154 Nassau Street,
New York City:

MY DEAR SIR—I have received from you a paper entitled Order No. 365, in respect to the repair of cars on the Third Avenue Railroad. I have already informed you of the difficulties which had to be overcome in our work of repairing cars, and I have, in reply to your several communications and Orders in reference to this subject, dated February 14th, February 29th, March 5th and March 13th, assured you that it was my intention to carry on the work of repairing the cars as rapidly as possible.

So far as I can judge, your present order is one which we shall be able to comply with, or pretty nearly.

Yours very truly,

(Signed) F. W. WHITRIDGE, Receiver

(11)

O-381

The Secretary presented the following final order, and it was moved and duly seconded that the same be adopted:

FINAL ORDER (No. 381).

In the Matter
of

The Hearing on the Motion of the Commission as to the Regulations, Practices, Equipment and Service of the Brooklyn Heights Railroad Company in the Respects hereinafter mentioned.

Vestibuling of Cars.

Under Order for Hearing No. 342, dated March 13, 1908.

This matter coming on upon the report of the hearing had herein on the 26th day of March, 1908, and it appearing that the said hearing was held pursuant to order No. 342 of this Commission, dated the 13th day of March, 1908 and returnable on the 26th day of March, 1908, at 2:30 o'clock in the afternoon, and it appearing that said hearing was had by and before the Commission on the matters embraced in said Hearing Order No. 342 on the aforesaid date, before Mr. Commissioner McCarroll presiding, H. M. Chamberlain, Esq., appearing for the Commission and J. F. Calderwood, Esq., Vice-President and General Manager of said Brooklyn Heights Railroad Company, appearing for said Company, and proof having been taken upon said hearing, and it having been stipulated and agreed upon said hearing by said J. F. Calderwood, for and on behalf of said Brooklyn Heights Railroad Company, that said Company would comply with all matters mentioned in said Order No. 342 and would equip its mail cars with vestibules similar to those in use on the passenger cars of said Company in time for the operation of next season which should be on or before November 1, 1908, and that an order of this Commission issue directing and requiring the said Brooklyn Heights Railroad Company to equip all its mail cars with vestibules in the manner mentioned on or before the date mentioned, and it having been agreed that said order would be satisfactory to and would be complied with by said Brooklyn Heights Railroad Company,

Now therefore upon said stipulation and agreement, and on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That said Brooklyn Heights Railroad Company be and it hereby is directed and required to equip all its mail cars operated on its lines, which are not so equipped, with a vestibule on each platform similar in construction to the vestibules now installed upon the passenger cars operated by said Company. It is further

Ordered, That said Company equip all said cars with vestibules in the manner hereinbefore mentioned on or before the 1st day of November, 1908. This order shall continue in force thereafter until such time as the Public Service Commission for the First District shall otherwise order. It is further

Ordered, That said Brooklyn Heights Railroad Company notify the Public Service Commission for the First District, within five days after the service of this order upon it, whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(12)

O-382

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 382).

Paul Gorham, as President of the South
Midwood Residents' Association,
Complainant,

against

Nassau Electric Railroad Company, American
Railway Traffic Company of New
York, Brooklyn Heights Railroad Company,
Defendants.

Noise caused by cars at curve at Ocean
Avenue and Avenue F.

Upon the complaint herein, upon which Order No. 295 was issued on or about the 28th day of February, 1908, and the answer of the Nassau Electric Railroad Company, the American Railway Traffic Company of New York, and the Brooklyn Heights Railroad Company thereto, verified the second day of March, 1908, it is

Ordered, That upon the matters contained therein, a hearing be had on the 13th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at Number 154 Nassau Street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said complainant and the said Nassau Electric Railroad Company, American Railway Traffic Company of New York, and the Brooklyn Heights Railroad Company, be given at least ten days' notice of such hearing by service upon each of them, either personally or by mail, of a certified copy of this order, and that at such hearing said complainant and said companies be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to conduct the hearing.

(13)

O-383

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 383).

In the Matter
of

The hearing on the motion of the Commission on the question of improvements in and additions to the service and equipment of the Brooklyn Union Elevated Railroad Company.
Service on Broadway Elevated Line.

It is hereby

Ordered, That a hearing be had on the 13th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at Number 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, equipment, appliances and service of the Brooklyn Union Elevated Railroad Company in respect to transportation of persons in the First District are unjust, unreasonable, improper or inadequate, and whether the said Company runs cars enough or with sufficient frequency, or possesses or operates motive power enough reasonably to accommodate passenger traffic transported by it or offered for transportation to it, and if such be found not to be the fact, then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be just, reasonable, proper and adequate to direct that the service of said Brooklyn Union Elevated Railroad Company on its Broadway line be increased and supplemented at points and times and in the particulars following, that is to say:

Park Avenue Station, Westbound.

(1) Between 6:00 and 6:30 A. M., by the addition of one car each to 2 four-car trains, making a total service of one three-car train, one four-car train, and two five-car trains, or 17 cars.

(2) Between 6:30 and 7:00 A. M., by the addition of two cars each to 4 four-car trains, making a total service of 4 six-car trains, or 24 cars.

(3) Between 7:00 and 7:30 A. M., by the addition of two cars each to 3 four-car trains, making a total service of one five-car train and 3 six-car trains, or 23 cars.

(4) Between 7:30 and 8:00 A. M., by the addition of two cars each to 2 four-car trains and one car each to 2 five-car trains, making a total service of 4 six-car trains, or 24 cars.

(5) Between 8:00 and 8:30 A. M., by the addition of one car each to 2 four-car trains, making a total service of 2 four-car trains and 2 five-car trains, or 18 cars.

(6) Between 8:30 and 9:00 A. M., by the addition of one car to one four-car train and two cars to one three-car train, making a total service of 2 three-car and 2 five-car trains, or 16 cars.

(7) Between 9:00 and 9:30 A. M., by the addition of one car to one three-car train and one car to one two-car train, making a total service of one four-car, one three-car and two two-car trains, or 11 cars.

(8) Between 9:30 and 10:00 A. M., by the addition of one car each to 2 two-car trains, making a total service of 2 three-car and 2 two-car trains, or 10 cars.

(9) Between 7:30 and 8:00 P. M., by the addition of one car each to 3 three-car trains, making a total service of one three-car train and 3 four-car trains, or 15 cars.

Park Avenue Station, Eastbound.

(10) Between 4:00 and 4:30 P. M., by the addition of one car to each of the 4 two-car trains, making a total service of 4 three-car trains, or 12 cars.

(11) Between 4:30 and 5:00 P. M., by the addition of one car each to 2 four-car trains, making a total service of 2 four-car and 2 five-car trains, or 18 cars.

(12) Between 5:00 and 5:30 P. M., by the addition of two cars to each of the 4 four-car trains, making a total service of 4 six-car trains, or 24 cars.

(13) Between 5:30 and 6:00 P. M., by the addition of two cars to one four-car train, one car each to 3 five-car trains, and one six-car train, making a total service of 5 six-car trains, or 30 cars.

(14) Between 6:00 and 6:30 P. M., by the addition of one car each to 3 five-car trains and 2 six-car trains, making a total service of 6 six-car trains, or 36 cars.

(15) Between 6:30 and 7:00 P. M., by the addition of one car to one three-car train, one car to one four-car train, and one car each to 2 five-car trains, making a total service of one four- and one five-car train, and 2 six-car trains, or 21 cars.

(16) Between 7:00 and 7:30 P. M., by the addition of one car to one four-car train and one car each to 2 three-car trains, making a total service of one five-car train and 3 four-car trains, or 17 cars.

(17) Between 7:30 and 8:00 P. M., by the addition of one car each to 4 three-car trains, making a total service of 4 four-car trains, or 16 cars.

SATURDAY.

Park Avenue Station, Eastbound.

(18) Between 4:00 and 4:30 P. M., by the addition of one car each to 2 three-car trains and one car each to 2 four-car trains, making a total service of one three-car train, 2 four-car and 2 five-car trains, or 21 cars.

(19) Between 4:30 and 5:00 P. M., by the addition of one car each to 4 four-car trains, making a total service of 4 five-car trains, or 20 cars.

(20) Between 5:00 and 5:30 P. M., by the addition of one car each to 4 four-car trains, making a total service of 4 five-car trains, or 20 cars.

(21) Between 5:30 and 6:00 P. M., by the addition of one car each to 4 four-car trains, making a total service of 4 five-car trains, or 20 cars.

(22) Between 6:00 and 6:30 P. M., by the addition of one car each to 4 four-car trains, making a total service of 4 five-car trains, or 20 cars.

(23) 6:30 to 7:00, No Increase.

(24) Between 7:00 and 7:30 P. M., by the addition of one car each to 2 four-car trains, making a total service of 2 four-car and 2 five-car trains, or 18 cars.

(25) Between 7:45 and 8:15 P. M., by the addition of one car each to two four-car trains, making a total service of 2 four-car and 2 five-car trains, or 18 cars.

(26) Between 10:45 and 11:15 P. M., by the addition of two cars each to 2 three-car trains, and one car each to 2 three-car trains, making a total service of 2 four-car and 2 five-car trains, or 18 cars.

SUNDAY.

Park Avenue Station, Westbound.

(27) Between 5:00 and 6:00 P. M., by the addition of one three-car train, making a total service of 8 three-car trains, or 24 cars.

(28) Between 6:00 and 7:00 P. M., by the addition of one three-car train, making a total service of 7 three-car trains, or 21 cars.

(29) Between 7:00 and 8:00 P. M., by the addition of one three-car train, making a total service of 6 three-car trains, or 18 cars.

(30) Between 8:00 and 9:00 P. M., by the addition of one car each to 2 two-car trains, making a total service of 7 three-car trains, or 21 cars.

(31) Between 9:00 and 10:00 P. M., by the addition of one car each to 5 two-car trains, making a total service of 5 three-car trains, or 15 cars.

(32) Between 10:00 and 11:00 P. M., by the addition of one car each to 7 two-car trains, making a total service of 7 three-car trains, or 21 cars.

(33) Between 11:00 and 12:00 P. M., by the addition of one two-car train, making a total service of 6 two-car trains, or 12 cars.

(34) Between 1:00 and 2:00 P. M., by the addition of one three-car train, making a total service of 7 three-car trains, or 21 cars.

(35) Between 2:00 and 3:00 P. M., by the addition of one three-car train, making a total service of 7 three-car trains, or 21 cars.

(36) Between 3:00 and 4:00 P. M., by the addition of one three-car train, making a total service of 7 three-car trains, or 21 cars.

(37) Between 4:00 and 5:00 P. M., by the addition of one three-car train, making a total service of 7 three-car trains, or 21 cars.

(38) Between 9:00 and 10:00 P. M., by the addition of one car each to six two-car trains, making a total service of 6 three-car trains, or 18 cars.

(39) Between 10:00 and 11:00 P. M., by the addition of one car each to 6 two-car trains, making a total service of 6 three-car trains, or 18 cars.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable;

Further Ordered, That the said Brooklyn Union Elevated Railroad Company be **given** at least ten (10) days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order and that at such hearing said Company be **afforded** all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to conduct the hearing.

(14)

O-384

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 384).

In the Matter
of

The hearing on motion of the Commission on the question of improvements in and additions to the service and equipment of the Coney Island and Brooklyn Railroad Company.

Service on De Kalb Avenue Line.

It is hereby

Ordered, That a hearing be had on the 14th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire

I. Whether the regulations, practices, equipment, appliances and service, of the Coney Island and Brooklyn Railroad Company in respect to transportation of persons in the First District upon its DeKalb Avenue Line, are unjust, unreasonable, improper or inadequate, and whether changes, improvements, and additions thereto ought reasonably to be made in order to promote the security and convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether the changes, additions and improvements in regulations, practices, equipment, and appliances and service of said Company, as hereinafter set forth, are such as will be just, reasonable, adequate and proper, and ought reasonably to be made to accommodate the passenger traffic offered to it and to promote the convenience of the public, or in order to secure adequate service or facilities for the transportation of passengers, that is to say:—

(a) Whether said Coney Island and Brooklyn Railroad Company should be directed to operate all cars passing the intersection of DeKalb Avenue and Gold Street bound for Park Row between the hours of 6:00 and 9:00 A. M., so that they

shall traverse, instead of Fulton and Washington Streets, the following streets: Gold Street, Willoughby Street, Jay Street, Sands Street, and then to the Bridge;

(b) Whether said Company should be directed to operate its cars leaving Park Row loops between the hours of 5:00 and 7:00 P. M. so that they shall run by way of Prospect (under the Bridge), Adams, Sands, Jay, Willoughby, and Gold Streets, to DeKalb Avenue, instead of using Washington and Fulton Streets as at present;

(c) Whether said Company should be directed to operate those of the additional cars indicated below under II, which leave the barns between the hours of 5:30 and 8:30 A. M. so that they shall run to High Street via DeKalb Avenue, Fulton Street and Washington Street; and to operate those of the additional cars below mentioned which start from the barns between the hours of 11:30 A. M. and 1:30 P. M. so that they shall run to Park Row.

And to inquire:

II. Whether the said Company runs cars enough and with sufficient frequency, or possesses and operates motor power enough reasonably to accommodate passenger traffic transported by it or offered to it for transportation, and if such be found not to be the fact, then to determine whether it is reasonably necessary, in order to accommodate and transport the said traffic transported or offered for transportation, and whether it is and will be just, reasonable, proper and adequate, to direct that the service of the said Coney Island and Brooklyn Railroad Company on its DeKalb Avenue Line be increased and supplemented at the times and in the particulars following, that is to say:—

(a) Leaving the depot at DeKalb and Covert Avenues:

1. By an increase between the hours of 5:30 A. M. and 6:00 A. M. of two cars or from 5 to 7 cars.
2. By an increase between the hours of 6:00 A. M. and 6:30 A. M. of 2 cars or from 10 to 12 cars.
3. By an increase between the hours of 6:30 A. M. and 7:00 A. M. of 4 cars or from 18 to 22 cars.
4. By an increase between the hours of 7:00 A. M. and 7:30 A. M. of 9 cars or from 19 to 28 cars.
5. By an increase between the hours of 7:30 A. M. and 8:00 A. M. of 10 cars or from 18 to 28 cars.
6. By an increase between the hours of 8:00 A. M. and 8:30 A. M. of 4 cars or from 19 to 23 cars.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Coney Island and Brooklyn Railroad Company be given at least ten days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said Company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Bassett to conduct the hearing.

(15) O-385

Commissioner Eustis moved the adoption of the following complaint order, which was duly seconded:

COMPLAINT ORDER (No. 385).

E. J. Benson, Complainant,
against

New York Transfer Company, Defendant.

Order No. 385, for satisfaction or answer within ten (10) days, as to failure to refund excess charge for delivery of a trunk, was approved, confirmed and ordered filed in the office of the Commission.

(16) O-386

Chairman Willcox moved the adoption of the following complaint order, which was duly seconded:

COMPLAINT ORDER (No. 386).

Republican District Committee, by David
G. McConnell, Chairman, Complainant,
against

Interborough Rapid Transit Company, Defendant.

Order No. 386, for satisfaction or answer within ten (10) days, as to escalators at 155th Street elevated station, was approved, confirmed and ordered filed in the office of the Commission.

(17) O-387

Commissioner Eustis moved the adoption of the following discontinuance order, which was duly seconded:

DISCONTINUANCE ORDER (No. 387).

W. F. Vulz, Complainant,
against

New York Central and Hudson River
Railroad Company, Defendant.

Order No. 387, discontinuing proceedings upon Complaint Order No. 348, as to excess charge upon payment of cash fare upon the Harlem Division within the City

limits, said complaint having been satisfied, was approved, confirmed and ordered filed in the office of the Commission.

(18)

3050

The Secretary presented a communication from the Brooklyn League, requesting that a connection be made between the Kings County and the Fifth Avenue elevated lines, at the Flatbush Avenue station, and stating that this could be done at small expense, and would serve a large number of people. The letter was referred to Commissioner Bassett.

(19)

2879

The Secretary presented a communication from Henry B. Seaman, Chief Engineer, recommending that thirty days' additional leave of absence, without pay, be granted to certain Inspectors of Masonry, to whom had been granted thirty days' leave of absence, without pay, beginning March 1, 1908.

On motion, duly seconded, it was thereupon

Resolved, That leave of absence for thirty days, without pay, to begin March 31, 1908, be granted to E. F. Adams, T. W. Carr, P. J. Lovely and S. E. Nichols, Inspectors of Masonry.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(20)

2879

On motion, duly seconded, it was

Resolved, That the transfer be approved of Solon E. Nichols from the position of Inspector of Masonry in the office of this Commission, to the position of Inspector of Masonry in the office of the Department of Bridges, New York.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

2879

The Secretary presented a communication from the Chief Engineer, recommending that the Commission grant three months' leave of absence, beginning March 17, 1908, without pay, to Achille O. Van Suetendael, Assistant Engineer; and on motion, duly seconded, it was

Resolved, That leave of absence for three months, beginning March 17, 1908, without pay, be granted to Achille O. Van Suetendael, Assistant Engineer.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

3258

On motion, duly seconded, it was

Resolved, That the transfer be approved of George M. Sprague from the position of Assistant Architectural Draughtsman in the office of this Commission, to the position of Draughtsman in the office of the Department of Water Supply, Gas and Electricity, New York.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

O-388

Commissioner Bassett moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 388).

Bird S. Coler, President of the Borough of
Brooklyn,

Complainant,

—vs.—

Nassau Electric Railroad Company,
Defendant.

Under Order for Hearing No. 189, dated
January 6, 1908.

This matter coming on upon the report of the rehearing had herein on the 24th day of March, 1908, and it appearing that said rehearing was had by and before the Commission on said date, before Mr. Commissioner Bassett presiding, Edward D. Candee, Esq., appearing for the complainant and George D. Yeomans, Esq., appearing for the Nassau Electric Railroad Company,

Now, after the proceedings upon said rehearing and after consideration of the facts, including those arising since the making of Order No. 316, and upon the stipulation of the said parties, the Commission being of the opinion that said Order No. 316, which directed repairs to the paving on Farragut Road or Avenue F, between East 26th Street and Ocean Avenue, in the Borough of Brooklyn, City and State of New York, should be changed, and modified in certain particulars,

Now, on motion of George S. Coleman, Esq., Counsel to the Commission it is

Ordered, That Order No. 316, issued March 6, 1908, be and the same hereby is changed and modified so as to read as follows:

At a Meeting of the Public Service Commission for the First District, duly held at its office, No. 154 Nassau Street, in the Borough of Manhattan, City and State of New York, on the sixth day of March, 1908.

Present—William McCarroll, Acting Chairman; Edward M. Bassett, John E. Eustis, Commissioners.

STATE OF NEW YORK, PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

ORDER No. 316.

Bird S. Coler, President, Borough of
Brooklyn,

Complainant,

vs.

Nassau Electric Railroad Company,
Defendant.Under Order for Hearing No. 189, dated
January 6th, 1908.

This matter coming on upon the report of the hearing had herein on January 21st, 1908, January 28th, 1908 and February 4th, 1908, and it appearing that the said hearing was held pursuant to Order No. 189 of this Commission, dated January 6th, 1908, and returnable on the 21st day of January, 1908, and that the said order was duly served upon said Nassau Electric Railroad Company on January 7th, 1908, and that the said hearing was held by and before the Commission on the matters embraced in the complaint and answer herein and in said order specified on January 21st, 1908, and by adjournment duly had on January 28th, 1908, and February 4th, 1908, before Mr. Commissioner Bassett, presiding, Harry M. Chamberlain, Esq., appearing for the Commission and George D. Yeomans, Esq., appearing for said railroad company, and proof having been taken upon said hearing and it being made to appear by the proceedings on said hearing that the said defendant had violated the law in failing to keep in proper repair the pavement between its tracks, the rails of its tracks and two feet in width outside of its tracks on Farragut Road or Avenue F, between East 26th Street and Ocean Avenue, in the Borough of Brooklyn, City and State of New York, and that said area in said streets between the points named is in need of repairs, and that it is reasonable that the said company be required to repave said area,

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered: (1). That said Nassau Electric Railroad Company be and it hereby is directed and required to repave said Farragut Road or Avenue F, between East 26th Street and Ocean Avenue, under the supervision of the President of the Borough of Brooklyn, and in such manner as he may prescribe.

(2). It is further Ordered: That said Nassau Electric Railroad Company begin the repairs above mentioned not later than the 1st day of April, 1908, and complete the same not later than the 1st day of May, 1908, and thereafter keep and maintain said pavement in as good condition as when first completed. This order shall continue in force until such time as the Public Service Commission for the First District shall otherwise order.

(3). It is further Ordered, That said Nassau Electric Railroad Company notify the Public Service Commission for the First District within five (5) days after the service of this order whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(24)

O-389

Commissioner Bassett moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 389).

**Bird S. Coler, President, Borough of
Brooklyn,**

Complainant,

vs.

**Brooklyn City Railroad Company, Brook-
lyn Heights Railroad Company and Nas-
sau Electric Railroad Company,**

Defendants,

**Under Order for Hearing No. 190, dated
January 6, 1908.**

This matter coming on upon the report of the rehearing had herein on the 24th day of March, 1908, and it appearing that said hearing was had by and before the Commission on said date before Mr. Commissioner Bassett presiding, Edward D. Candee, Esq., appearing for the complainant and George D. Yeomans, Esq., appearing for the defendants, Brooklyn City Railroad Company, Brooklyn Heights Railroad Company and Nassau Electric Railroad Company,

Now, after the proceedings upon said rehearing and after consideration of the facts, including those arising since the making of Final Order No. 318, and upon the stipulation of the said parties, the Commission, being of the opinion that said Final Order No. 318, directing repairs to the pavement on Vanderbilt Avenue between Park Avenue and Myrtle Avenue; on Nassau Avenue between Diamond Street and Morgan Avenue; on Franklin Street between Kent Avenue and Commercial Street; on Manhattan Avenue between Driggs Avenue and Newtown Creek and on Driggs Avenue between South Fourth Street and South Twelfth Street, all in the Borough of Brooklyn, City and State of New York, should be changed and modified in certain particulars,

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered: That said Final Order No. 318, issued March 16, 1908, be and the same hereby is changed and modified so as to read as follows:

At a Meeting of the Public Service Commission for the First District, duly held at its Office, No. 154 Nassau Street, in the Borough of Manhattan, City and State of New York, on the sixth day of March, 1908.

Present—William McCarroll, Acting Chairman; Edward M. Bassett, John E. Eustis, Commissioners.

STATE OF NEW YORK, PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

ORDER No. 318.

Bird S. Coler, President, Borough of
Brooklyn,

Complainant,

against

Brooklyn City Railroad Company, Brook-
lyn Heights Railroad Company and Nas-
sau Electric Railroad Company,

Defendants.

Under Order for Hearing No. 190, dated January 6, 1908.

This matter coming on upon the report of the hearing had herein on January 21, 1908, January 28, 1908, and February 4, 1908, and it appearing that the said hearing was held pursuant to Order No. 190 of this Commission, dated January 6, 1908, and returnable on the 21st day of January, 1908, and that said Order was duly served on said Brooklyn City Railroad Company, Brooklyn Heights Railroad Company and Nassau Electric Railroad Company on the 7th day of January, 1908, and that the said hearing was held by and before the Commission on the matters embraced in the complaint and answer herein and in said order specified on January 21, 1908, and by adjournment duly had on January 28, 1908, and February 4, 1908, before Mr. Commissioner Bassett presiding, Harry M. Chamberlain, Esq., appearing for the Commission and George D. Yeomans, Esq., appearing for said railroad companies, and proof having been taken upon said hearing and it being made to appear upon said hearing that said Nassau Electric Railroad Company has violated the law in failing to keep in proper repair the pavement between its tracks, the rails of its tracks and two feet in width outside of its tracks on Vanderbilt Avenue, between Park Avenue and Myrtle Avenue, in the Borough of Brooklyn, City and State of New York, and that said area in said streets between the points named is in need of repairs and that it is reasonable that said company be required to repave said area; and it being made to appear upon the said hearing that said The Brooklyn City Railroad Company and said The Brooklyn Heights Railroad Company violated the law in failing to keep in proper repair the pavement between the tracks, the rails of the track and two feet in width outside of the tracks of the lines owned by said The Brooklyn City Railroad Company and operated by said The Brooklyn Heights Railroad Company on Nassau Avenue between Diamond Street and Morgan Avenue, on Franklin Street between Kent Avenue and Commercial Street, on Manhattan Avenue between Driggs Avenue and Newtown Creek and on Driggs Avenue between South Fourth Street and South Twelfth Street, all in the Borough of Brooklyn, City and State of New York; and that said areas in said streets between the points named are in need of repairs and that it is reasonable that said companies be required to repave said areas on said Nassau Avenue, Franklin Street and Manhattan Avenue, and that it is reasonable that said companies be required to repair the asphalt pavement on said area on Driggs Avenue by filling up all holes and ruts therein with asphalt so as to eliminate all such

holes and ruts and to cause said pavement to present an even surface and to conform in all respects to the proper grade of the street.

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered: (1) That said The Nassau Electric Railroad Company be and it hereby is directed and required to repave said Vanderbilt Avenue between Park Avenue and Myrtle Avenue, under the supervision of the President of the Borough of Brooklyn and in such manner as he may prescribe.

(2) That said The Brooklyn City Railroad Company and said The Brooklyn Heights Railroad Company be and they hereby are directed and required to repave said Nassau Avenue between Diamond Street and Morgan Avenue, said Franklin Street between Kent Avenue and Commercial Street, and said Manhattan Avenue between Driggs Avenue and Newtown Creek, under the supervision of the President of the Borough of Brooklyn, and in such manner as he may prescribe.

(3) That said The Brooklyn City Railroad Company and said The Brooklyn Heights Railroad Company be and they hereby are directed and required to make suitable and adequate repairs to the asphalt pavement on Driggs Avenue, between South Fourth and South Twelfth Streets, in the Borough of Brooklyn, City and State of New York, under the supervision of the President of the Borough of Brooklyn, and in such manner as he may prescribe.

(4) It is further ordered, That said The Nassau Electric Railroad Company, said The Brooklyn City Railroad Company and said The Brooklyn Heights Railroad Company begin the repairs above mentioned not later than the 1st day of April, 1908, and complete the same not later than the 1st day of May, 1908, and thereafter keep and maintain the said pavement in the same condition as when first completed. This order shall continue in force until such time as the Public Service Commission for the First District shall otherwise order.

(5) It is further Ordered, That said Brooklyn City Railroad Company, said Brooklyn Heights Railroad Company and said Nassau Electric Railroad Company notify the Public Service Commission for the First District within five (5) days after the service of this order whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(25)

3327

The Secretary presented a communication from the Counsel to the Commission, appointing Lilla E. Newton as stenographer, and recommending that her salary be fixed at the rate of \$600 per annum.

On motion, duly seconded, it was thereupon

Resolved, That the following appointment from the Civil Service list be confirmed, and the salary fixed as indicated:

Name	Position	Salary	To Take Effect
Lilla E. Newton.....	Stenographer.....	\$50 per month....	March 30, 1908

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(26)

3327, 3057, 2569

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service lists:

Name	Position	Salary	To Take Effect
Cecilia L. O'Brien.....	Stenographer.....	\$50 per month....	April 1, 1908
Rose Reich.....	Stenographer.....	50 per month....	March 31, 1908
Cecilia W. Teale.....	Stenographer.....	50 per month....	April 1, 1908
Robert T. Donahue.....	Traffic Inspector.....	125 per month....	April 1, 1908
Edward M. Deegan.....	Junior Ass't Counsel (Second Grade)....	100 per month....	April 1, 1908
Richard C. Harrison.....	Junior Ass't Counsel (Second Grade)....	100 per month....	April 1, 1908

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(27)

O-390

Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 390).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvements in and additions to the Service and Equipment of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of said Company.

23rd Street Crosstown Line.

It is hereby Ordered, That a hearing be had on the 10th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices and service of the New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, in respect to transportation of persons in the First District, on the 23d Street Crosstown

line, are unreasonable, improper or inadequate, and whether the said New York City Railway Company, or the said Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, run cars enough or with sufficient frequency or upon a reasonable time schedule, reasonably to accommodate the passenger traffic transported by them or offered for transportation to them, and if such be found to be the fact, then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be inst., reasonable, proper and adequate to direct that the service of the said New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, its Receivers, be increased, supplemented and changed in the following manner, that is to say:

1. By discontinuing the operation of all cars operated between the westerly end of 23rd Street and the Grand Central Station via 23rd Street and Fourth Avenue.

2. By changing the method of collecting fares on the 23rd Street crosstown line cars on 23rd Street so as to avoid delays in the car movement at or near the east and west termini of the 23rd Street line.

3. By operating daily including Sunday over every point on the 23rd Street crosstown line either

- (a) a sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day or night a ten percent. excess of seats over passengers at that point; the number of cars passing any point to be, however, never less than six per hour in each direction; or

- (b) a minimum number of twenty-five cars in one direction in each fifteen minute period in which the provisions of subdivision (a) above are not complied with.

4. By making such other and further changes in the schedule and manner of operating cars on the 23rd Street crosstown line as may be just and reasonable.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said New York City Railway Company and Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, be given at least five days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company and its Receivers be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chairman designated Commissioner Maltbie to conduct the hearing.

(28)

1881

The Secretary presented the following vouchers, the bills of which have been duly approved by Commissioner Maltbie, as Committee on Audit, for the month of March, whereupon, on motion, duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of the City of New York for payment.

Voucher No.	In Favor of.	Services or Material.	Amount.
898	American Street & Inter-urban Railway Association	Volumes Proceedings, Bill March 21, 1908.....	\$20.00
899	Brooklyn Blue Print Works	Blue Prints, Bill March 11, 1908.....	4.00
900	Buff & Buff Mfg. Co.....	Engineering Supplies, Bill March 20, 1908.....	16.00
901	Dixie Book Shop.....	Books and Publications, Bills March 23 (2), 1908	52.50
902	Finley & Handford.....	Carpenter Work, Bill March 20, 1908.....	9.60
903	Hammacher, Schlemmer & Co.	Engineering Supplies, Bills July 1, 1907—Feb. 6, 1908	2.47
904	E. Belcher Hyde.....	Maps, Bill March 20, 1908.....	34.00
905	Interborough R. T. Co.....	Moving Office Division No. 3, Bill Feb. 29, 1908..	23.94
906	Law Reporting Company..	Stenographers' Minutes, Bill March 11, 1908.....	703.19
907	M. A. O'Connor.....	Printing, Bill Jan. 22, 1908.....	10.50
908	Pontrichet Black Print Paper Co.....	Blue Prints, Bill, Feb. 11, 1908.....	5.58
909	The J. W. Pratt Co.....	Stationery, Furniture, Postage, etc., Bills Nov. 30, 1907 (2) Jan. 4, 21, 25, 1908.....	340.83
910	The Schapirograph Co.....	Stationery Supplies, Bill Feb. 27, 1908.....	2.00
911	George M. Shotwell.....	Stenographers' Minutes, Bill March 21, 1908....	24.45
912	G. E. Stechert & Co.....	Subscription to Periodicals, Bill March 14, 1908.	54.35
921	The Twinlock Co.....	Stationery Supplies, Bill Feb. 26, 1908.....	24.00
922	Douglas Taylor & Co.....	Printing, Bills March 21, 1908 (3).....	200.65
923	Title Guarantee & Trust Co.	List of owners, etc., Flatbush Ave. Extension. Bill March 20, 1908.....	136.50
924	Underwood Typewriter Co.	Tabulator Typewriter, Bill March 5, 1908.....	150.25
925	P. W. Valley.....	Labor & Material Placing shelving, Bill March 20, 1908	163.60
Total			<u>\$1,978.38</u>
926	Alfred A. R. Berger.....	Services as Electrical Engineer, Dec. 20, 1907, to Feb. 10, 1908.....	\$173.19
927	Alexander H. Rombaugh...	Services as Electrical Engineer, Dec. 20, 1907, to Feb. 10, 1908.....	173.19
			<u>\$346.38</u>

The following payrolls were approved by Commissioner McCarroll, as Acting Chairman:

Voucher No.	In Favor of.	Services or Material.	Amount.
896	Gas Meter Testers.....	Week ending March 25, 1908.....	\$222.00
897	Inspectors of Masonry.....	Week ending March 25, 1908.....	1,457.59
Total			\$1,679.59

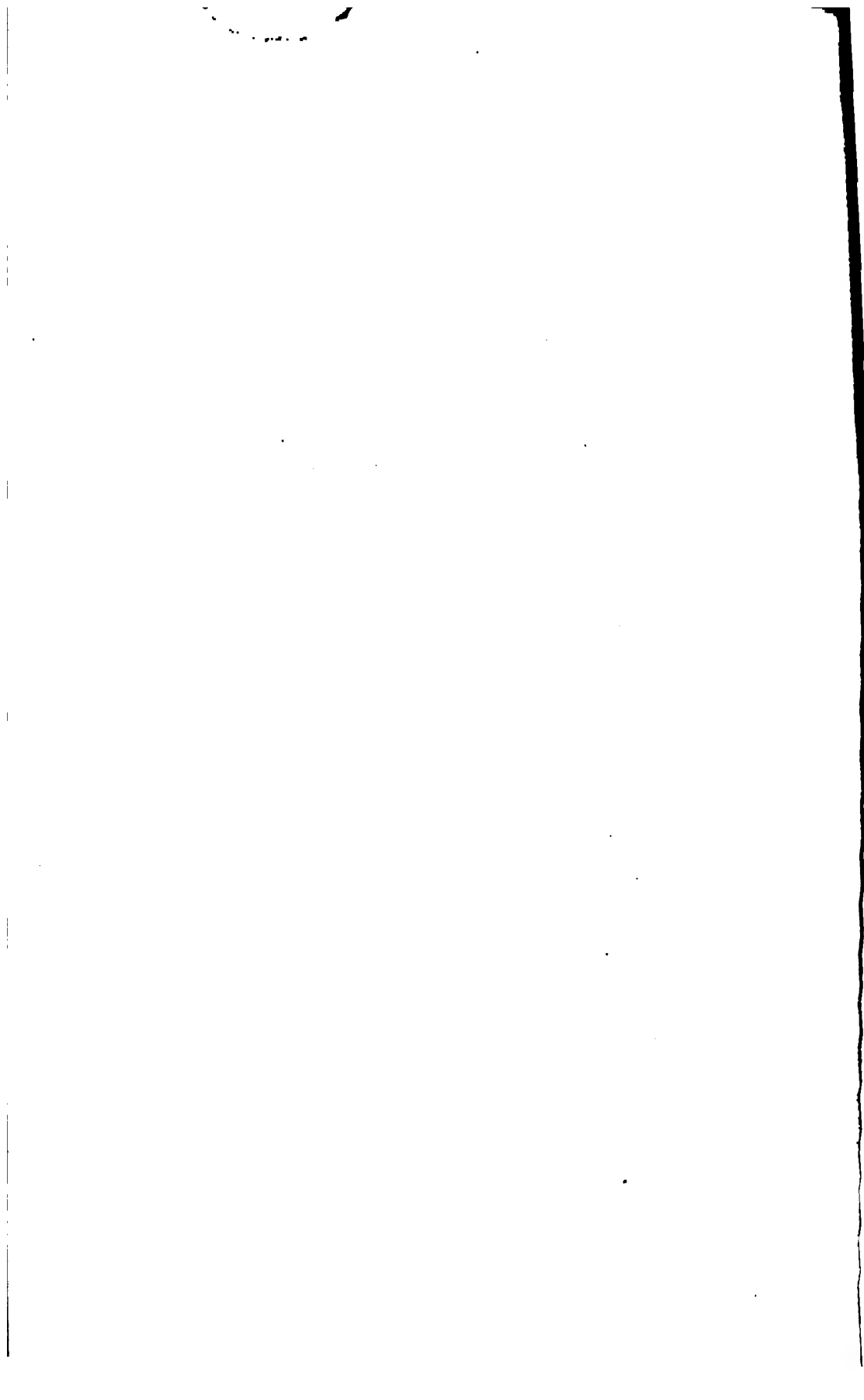
(29)

3164

In relation to the application received from the Board of Trustees of the College of the City of New York, requesting that the designation of the station upon the Broadway division of the subway at 137th Street be changed to "City College Station," the Committee of the Whole reported, recommending that the change be not made, in view of the fact that the present designation had been in use for several years, that the City College was actually located several blocks from the station, and that the change would involve considerable expense and inconvenience.

On motion, the report was approved and the application denied.

TRAVIS H. WHITNEY, SECRETARY.



PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, APRIL 3, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

The Secretary presented the following notices of deposit from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which were ordered filed:

2063

DEAR SIR—I beg to advise you that on March 21st, 1908, the sum of Eighty-six Thousand, Seven Hundred and Fifty-four and 19-100 Dollars (\$86,754.19) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan, (Sub-Title No. 1) Authorized April 19th, 1907, pursuant to the provisions of Section 10, Chapter 4, Laws of 1891 as amended.

Principal	\$85,000.00
Premium	1,754.19
	1,754.19

2532

DEAR SIR—I beg to advise you that on March 24th, 1908, the sum of Sixty Thousand Dollars (\$60,000.00) was deposited to the credit of Revenue Bond Fund—For the Public Service Commission for the 1st District New York, Expenses of, Authorized December 20th, 1907, pursuant to the provisions of Section 10, Chapter 4, Laws of 1891, as amended by Section 14, Chapter 429, Laws of 1907.

(2)

2605

The Secretary stated that the following moneys collected as fees during the month of March had been transmitted to the Comptroller of the City, to be accredited to the city treasury, in accordance with the provisions of the Public Service Commissions Act:

(24)

[Form 2018]

[I M (B)]

Amount collected in payment for testing of Gas Meters by the Commission	\$579.00
Amount received for certified copies of reports made by corporations to the Commission; of evidence of corporations before the Commission; for records and papers of the Commission, and for copies of contracts, drawings, maps, etc.....	76.07
Amount collected in payment of subpoena and witness fees in various litigations	1.75
Total.....	<u>\$656.82</u>

- (3) O-391
Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 391).

Board of Aldermen,
Complainants,
against
Interborough Rapid Transit Company,
Defendant.
Escalator at station at 125th Street and
Eighth Avenue.

Upon the complaint herein, upon which Order No. 288 was issued on or about the 25th day of February, 1908, and the answer of the Interborough Rapid Transit Company thereto, verified the seventh day of March, 1908, it is

Ordered, That upon the matters contained therein a hearing be had on the 15th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at Number 154 Nassau Street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said complainants and the said Interborough Rapid Transit Company be given at least five days' notice of such hearing, by service upon said Board of Aldermen, and upon the said Interborough Rapid Transit Company, either personally or by mail, of a certified copy of this order, and that at such hearing said complainants and said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Eustis to conduct the hearing.

(4)

O-392

Commissioner Eustis moved the adoption of the following re-hearing order, which was duly seconded:

RE-HEARING ORDER (No. 392).

In the matter
of

The hearing on motion of the Commission
on the question of improvements in and
additions to the service and equipment
of the Interborough Rapid Transit Com-
pany.

Second Avenue Elevated.

An order, No. 361, having been made and filed herein on March 24th, 1908, under and pursuant to an order for a hearing No. 151, made December 11, 1907, and thereafter having been duly served upon the Interborough Rapid Transit Company, the same to take effect by or before the 5th day of April, 1908, and in and by the said order the Interborough Rapid Transit Company having been required to notify this Commission on or before the 30th day of March, 1908, whether the terms of said Order No. 361 are accepted and will be obeyed, and the said Interborough Rapid Transit Company having on March 30th applied in writing to this Commission for a re-hearing in respect to the matters contained in said Order 361, and sufficient reason for said re-hearing having been made to appear,

Ordered, That said request for re-hearing be granted, and that the said re-hearing upon the matters contained in said Order No. 361 entered and filed on March 24th, 1908, be held on the 14th day of April, 1908, at 3:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, 154 Nassau Street, Borough of Manhattan, City and State of New York, to determine after such re-hearing and after consideration of the facts, including those arising after the making of Order No. 361, whether the original Order No. 361 or any part thereof is in any respect unjust or unwise, and whether the said Order No. 361 should be abrogated, changed, or modified.

And if any such abrogation, changes, or modifications are found to be such as ought to be made, then to determine the nature and extent of changes or modifications of the said Order, and to determine the time of taking effect of the Order as changed or modified.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Interborough Rapid Transit Company be given at least five days' notice of such re-hearing by service upon it, either personally or by mail, of a certified copy of this Order, and that at such re-hearing said Company shall be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

April 3, 1908.]

760

Further Ordered, That the time of the Interborough Rapid Transit Company within which to comply with the terms of said order No. 361 be, and the same hereby is, extended until such time as the Commission shall enter an order upon the re-hearing herein provided for.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Eustis to conduct the re-hearing.

(5)

O-393

Commissioner Eustis moved the adoption of the following discontinuance order, which was duly seconded:

DISCONTINUANCE ORDER (No. 393).

Van Nest Property Owners' Association,
by Frank Huber, Secretary,

Complainant,

against

New York, New Haven and Hartford
Railroad Company,

Defendant.

Order No. 393, discontinuing proceedings upon Complaint Order No. 327, as to the use of soft coal, said complaint having been satisfied, was approved, confirmed and ordered filed in the office of the Commission.

(6)

O-394

Commissioner Eustis moved the adoption of the following dismissal order, which was duly seconded:

DISMISSAL ORDER (No. 394).

William C. Stiles, Complainant,

against

Interborough Rapid Transit Company,

Defendant.

Order No. 394, dismissing proceedings upon Complaint Order No. 335, as to ticket booths in the subway station at Brooklyn Bridge, it appearing that the regulations of the Company in that respect were adequate, was approved, confirmed and ordered filed in the office of the Commission.

(7)

2092

The Secretary presented the following communications:

April 2, 1908.

Public Service Commission for the First District:

SIRS—As requested by Commissioner Eustis I have drawn and transmit herewith a proposed resolution approving the purchase of the property of the New York Dispensary, 133-137 Centre Street, for the sum of \$126,000, and authorizing the execution of a contract therefor and examination and insurance of title.

[April 3, 1908.]

The contract, executed in duplicate by the New York Dispensary, accompanies this letter, together with certified copy of a resolution adopted by the Trustees of the Dispensary, appointing a committee with power to negotiate the sale.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

LAW DEPARTMENT,
OFFICE OF THE CORPORATION COUNSEL,
NEW YORK, April 2, 1908. }

Hon. GEORGE S. COLEMAN, Counsel to Public Service Commission, First District:

SIR—I beg to acknowledge receipt of your communication under date of March 31, 1908, in which you submit for my approval offers to sell several parcels of property which are to be acquired by the City of New York for rapid transit purposes, and among them, the parcel owned by the New York Dispensary situated at the northwest corner of Centre and White Streets, known as Nos. 112-114 White Street, and Nos. 133-137 Centre Street, Manhattan, for the sum of \$126,000, and request to be advised whether said offer should be accepted.

In reply thereto, I beg to state that I have had the above parcel examined and appraised, and it is my opinion that \$126,000 is a fair price for the property.

Respectfully yours,

(Signed) G. L. STERLING,
Acting Corporation Counsel.

At a meeting of the Trustees of the New York Dispensary, held on March 16th, 1908, a quorum being present, the following resolution was adopted:

"Resolved, That Messrs. Roosevelt, Foster and McKim be and hereby are appointed a Committee with power to negotiate a sale of the property of the Dispensary, situate at the northwest corner of White and Centre Streets, with said Public Service Commission at such price as to them shall seem proper, but not less than one hundred and twenty-six thousand dollars; and that the secretary is hereby directed to sign and affix the seal of the Dispensary to all contracts, deeds or other papers necessary to carry said sale into effect."

I, Gerard Beekman Hoppin, Secretary of the New York Dispensary, do hereby certify that the foregoing resolution is a true and correct copy of the original.

Witness my hand and the seal of said The New York Dispensary this first day of April, A. D. 1908.

[SEAL] (Signed) GERARD BEEKMAN HOPPIN, Secretary.

Commissioner Eustis thereupon moved the adoption of the following resolution, which was duly seconded:

Whereas, In the opinion of the Public Service Commission for the First District it is necessary for the purpose of constructing and operating a part of the Brooklyn

Loop Lines of the Rapid Transit Railroad to acquire in fee simple certain real property situated on the northwest corner of White and Centre Streets, in the City of New York, Borough of Manhattan, and known as Nos. 133, 135 and 137 Centre Street and Nos. 112 and 114 White Street, and for that purpose the Commission has duly directed the Corporation Counsel to institute legal proceedings to condemn said real property, which proceedings have been or are about to be instituted by the Corporation Counsel in pursuance of such direction; and

Whereas, The New York Dispensary, the owner of said real property, has submitted an offer to the Commission to sell said real property to The City of New York for the sum of One Hundred and Twenty-six Thousand Dollars (\$126,000.00), which said offer the Commission is of the opinion should be accepted, which opinion is concurred in by the Corporation Counsel, and the Counsel to the Commission having presented a contract approved by him and by the Corporation Counsel for the purchase of said real property for said sum of One Hundred and Twenty-six Thousand Dollars (\$126,000.00), duly executed in duplicate by said New York Dispensary; now therefore it is

Resolved, That the purchase of said real property for the sum of One Hundred and Twenty-six Thousand Dollars (\$126,000.00) be and the same hereby is approved, and that the Chairman and the Secretary of the Commission be and they hereby are authorized and directed to execute said contract in duplicate under the seal of the Commission in behalf of The City of New York; and it is further

Resolved, That the Counsel be and he hereby is authorized and directed to have the title to said property examined and insured by the Title Guarantee and Trust Company at an expense not to exceed Three hundred and forty-eight dollars and seventy-five cents (\$348.75).

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

O-395

The Secretary presented the following hearing order, and it was moved and duly seconded that the same be adopted by the Commission:

HEARING ORDER (No. 395).

In the Matter
of

The hearing on the Motion of the Commission on the Question of Improvement in and Addition to the Service and Equipment of the South Brooklyn Railway Company and the Nassau Electric Railroad Company, in respect to the Union Street Line.

It is hereby Ordered, That a hearing be had on the 8th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned,

at the rooms of the Commission, at No. 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, equipment, appliances and service of the South Brooklyn Railway Company and the Nassau Electric Railroad Company in respect to transportation of persons in the First District, are unjust, unreasonable, improper or inadequate, and whether the said companies run cars enough or with sufficient frequency, or possess or operate motive power enough reasonably to accommodate passenger traffic transported by them or offered for transportation to them, and if such be found to be the fact, then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation and is and will be just, reasonable, proper and adequate to direct that the service of said South Brooklyn Railway Company and said Nassau Electric Railroad Company on its Union Street Line be increased and supplemented at the points and times and in the particulars following, that is to say:

A.—Westbound.

Leaving Ninth Avenue and 20th Street and to run at least as far west as City Hall.

- (1) Between 6:40 and 7:10 A. M. by an increase of two cars, or by an increase from five to seven cars.
- (2) Between 7:10 and 7:40 A. M. by an increase of three cars, or by an increase from six to nine cars.
- (3) Between 7:40 and 8:10 A. M. by an increase of three cars, or by an increase from six to nine cars.
- (4) Between 8:10 and 8:40 A. M. by an increase of three cars, or by an increase from six to nine cars.
- (5) Between 8:40 and 9:10 A. M. by an increase of two cars, or by an increase from five to seven cars.
- (6) Between 9:10 and 9:40 A. M. by an increase of one car, or by an increase from four to five cars.
- (7) Between 7:10 and 7:40 P. M. by an increase of two cars, or by an increase from four to six cars.
- (8) Between 7:40 and 8:10 P. M. by an increase of one car, or by an increase from three to four cars.

B.—Eastbound.

Leaving City Hall to Ninth Avenue and 20th Street.

- (9) Between 3:00 and 3:30 P. M. by an increase of two cars, or by an increase from three to five cars.
- (10) Between 3:30 and 4:00 P. M. by an increase of one car, or by an increase from four to five cars.
- (11) Between 4:00 and 4:30 P. M. by an increase of one car, or by an increase from four to five cars.
- (12) Between 4:30 and 5:00 P. M. by an increase of one car, or by an increase from four to five cars.

(13) Between 5:00 and 5:30 P. M. by an increase of two cars, or by an increase from five to seven cars.

(14) Between 5:30 and 6:00 P. M. by an increase of three cars, or by an increase from seven to ten cars.

(15) Between 6:00 and 6:30 P. M. by an increase of three cars, or by an increase from eight to eleven cars.

(16) Between 6:30 and 7:00 P. M. by an increase of three cars, or by an increase from six to nine cars.

(17) Between 7:00 and 7:30 P. M. by an increase of one car, or by an increase from four to five cars.

(18) Between 7:30 and 8:00 P. M. by an increase of one car, or by an increase from four to five cars.

B.—Hamilton Ferry Service.

(19) Between 8:30 A. M. and 4:30 P. M. to provide a service of four cars an hour, between Court Street and Hamilton Ferry, the route to be the same as now operated during the rush hours.

(20) Between 6:30 and 10:30 P. M. to provide a service of four cars an hour, as mentioned in item No. 19.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said South Brooklyn Railway Company and the said Nassau Electric Railroad Company be given at least four days' notice of such hearing by service upon each of them, either personally or by mail, of a certified copy of this order, and that at such hearing said companies be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner McCarroll to conduct the hearing.

(9)

O-376

The Secretary stated that a communication had been received from the Brooklyn Heights Railroad Company, upon Final Order No. 376 of the Commission, with regard to cross-over switches on the Nostrand Avenue line at Church Avenue, notifying the Commission that the terms of the order were accepted and would be complied with. The answer was ordered filed.

(10)

O-381

The Secretary stated that a communication had been received from the Brooklyn Heights Railroad Company, upon Final Order No. 381 of the Commission, with regard to the vestibuling of cars, notifying the Commission that the terms of the order were accepted and would be complied with. The answer was ordered filed.

(11)

O-377

The Secretary stated that a communication had been received from the Richmond Light and Railroad Company, upon Final Order No. 377 of the Commission, with regard to improvement in and additions to service and equipment, notifying the Commission that the terms of the order were accepted and would be complied with.

(12)

O-378

The Secretary stated that a communication had been received from the Staten Island Midland Railway Company, upon Final Order No. 378 of the Commission, with regard to improvement in and additions to service and equipment, notifying the Commission that the terms of the order were accepted and would be complied with.

(13)

2919

The Secretary presented a communication from the Central Federated Union, thanking the Commission for its action on the Lexington Avenue subway, and requesting that plans for the same be gotten out as soon as possible. The letter was ordered filed.

(14)

2204

The Secretary presented a communication from the Broadway (Brooklyn) Board of Trade, transmitting resolutions requesting the representatives of the City of New York in Senate and Assembly to give their earnest consideration to all bills intended to amend the rapid transit law so as to permit the leasing of municipally built subways to private corporations for terms longer than twenty-five years, with extension privileges, and to enable this Commission to accept bids for the construction, equipment and operation of subways by private capital. The resolutions were ordered filed.

(15)

3336

The Secretary presented a communication from the Broadway (Brooklyn) Board of Trade, transmitting resolutions requesting that the Brooklyn Rapid Transit Company and this Commission investigate the feasibility of a connection between the Broadway and Ridgewood elevated lines, at Broadway and Myrtle Avenue, to permit through trains from Ridgewood to cross the Williamsburg Bridge. The resolutions were referred to Commissioner Bassett.

April 3, 1908.]

766

(16)

3045

On motion, duly seconded, the following promotion of an employee of the Commission who has been with the Commission for more than six months, was made, to take effect April 1, 1908:

Name.	Position.	Salary.
Alexander K. Gorski.....	Gas Meter Tester, 1st Grade....	\$90 per month

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(17)

O-396

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 396).

West End Board of Trade,
Complainant,
against

Brooklyn Union Elevated Railroad Com-
pany, Brooklyn Heights Railroad Com-
pany, Nassau Electric Railroad Company,
Defendants.

Order No. 396, extending the time within which the Defendant may answer Complaint Order No. 375, as to the operation of trains and surface cars at 65th Street and Third Avenue terminal, Brooklyn, to and including April 17, 1908, was approved, confirmed and ordered filed in the office of the Commission.

(18)

2919

Commissioner Maltbie—"As Commissioner Bassett was absent yesterday from the meeting when the resolution was passed regarding the preparation of certain plans, I move the reconsideration of the motion adopted yesterday regarding the preparation of detailed plans for the Canal Street line and the Broadway-Lexington Avenue line."

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The said resolution, as follows:

Resolved, That the Chief Engineer be directed to proceed immediately with the preparation of detailed plans for the Broadway-Lexington Avenue and Canal Street lines.

—was then carried by the following vote:

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—None.

Commissioner Bassett—"I should like to be recorded as not voting on that resolution.

"I have this resolution to present:

"Resolved, That the Chief Engineer be and he hereby is required to prepare plans for the construction of the Broadway portion of the Brooklyn Loop lines, and carry on said work simultaneously with the preparation of the Broadway-Lexington Avenue route.

"In that connection, I should like to make an explanation of my position on this:

"The shortest rapid transit route between lower Manhattan and Williamsburg, the great Jewish section near Graham Avenue and Broadway, and the apartment house section between Williamsburg and the corner of Broadway and Gates Avenue, is across the Williamsburg Bridge. These are the most thickly populated areas in Brooklyn.

"Yet to-day nearly all of the residents of these localities (other than that part of Williamsburg near the bridge itself) are crowding across the Brooklyn Bridge to get to lower New York. Thousands of people who reside north of Broadway are daily proceeding in surface and elevated cars across Broadway to the Brooklyn Bridge because that is the quickest and cheapest way of getting to lower Manhattan. In other words, for more than four years the proper bridge for these people has not been used and the improper bridge has been forced to do the work of both.

"There is no quick or substantial remedy for the Brooklyn Bridge crush except to set the Williamsburg Bridge to work.

"A ten cent fare will not set it to work. The poorer part of the city's population is along Broadway, and they will go a long way and endure almost anything to travel for five cents.

"These are the methods of setting the Williamsburg Bridge to work at five cents:

"1. The Brooklyn Union Elevated Railroad to run trains down the Broadway elevated, across Williamsburg Bridge and in the Centre Street subway to City Hall.

"2. The City of New York or some lessee to run cars on the Broadway elevated road, across Williamsburg Bridge and through the Centre Street subway to City Hall.

"3. The City or some lessee to run trains through a new Broadway subway, across the Williamsburg Bridge and through the Centre Street subway to the City Hall.

"There are no other present possibilities.

"Referring to the first plan, conferences with the owners of the Brooklyn Union Elevated Railroad Company have demonstrated that this company will not operate its cars through the Centre Street subway except as a part of a general plan of introducing the B. R. T. lines into Manhattan across all three bridges and permission to erect an elevated railroad on Flatbush Avenue extension. This means a surrender of the city's East River subway system to the Brooklyn Rapid Transit for them to adapt to their elevated lines.

"The second plan presupposes that the Brooklyn Union Elevated Railroad Company will enter into an agreement to allow city operated trains or those of some lessee to operate over its elevated line. The company would not willingly do this, and if there should be any way to force them the courts would see that they were given

a compensation so high that it would probably make the joint operation of the Centre Street subway and Broadway elevated an expensive matter either for the city or any lessee.

"The third plan appears to be the only available five cent fare plan; that is, to build a subway from Williamsburg Bridge to the corner of Broadway and Lafayette Avenue.

"We should begin the preparation of plans for this subway at once. The route is now duly laid out. This piece of subway is invaluable for the city. It can later be extended toward East New York, Brownsville and Jamaica.

"If we could start the construction of this subway we could within six months advertise for an equipper and operator of a route running from City Hall across Williamsburg Bridge to the corner of Broadway and Lafayette Avenue.

"If we do not do this we are absolutely forced to some patchwork and unsatisfactory method of using the Centre Street subway. Our chief engineer says that this subway will be completed in eleven months. It takes more than a year to erect and install a power house.

"The completion of the Centre Street subway should not find this Commission unprepared to use it.

"If this should happen the Commission would be accused of perpetuating the bridge crush.

"It is right to begin the construction of the Broadway Brooklyn subway at the earliest possible moment and we should not wait upon any further negotiations with the Brooklyn Rapid Transit Company. If they see we are determined to go ahead with the Broadway subway they may propose a method of operating the Centre Street loop in conjunction with their Broadway elevated line that will not involve a surrender of the entire East River situation to this company. If they do not propose such a course then every week gained counts toward an object that is inevitably necessary; i. e., setting the Williamsburg Bridge to work at a five cent fare,—the only quick amelioration of the Brooklyn Bridge crush.

"I regret to find myself so much at variance with my associates regarding the proper order of building subways. My position now is and for the past nine months has been based upon the need of relieving the Brooklyn Bridge as soon as possible. For this reason I voted against expending a large sum to build the Fourth Avenue subway beyond the Flatbush Avenue station of the Long Island road, because it would take funds imperatively needed to relieve the Brooklyn Bridge. The quickest and most effective way of relieving the Brooklyn Bridge is to set the Williamsburg Bridge to work. Yet this plan seems to be constantly deferred. As I show in my attached memorandum, there is no way to set the Williamsburg Bridge to work in a manner that will be effective except to build that portion of the Brooklyn subway loop line which runs up Broadway.

"From time to time I have made myself plain on this subject and consider that it was understood that the plans of the Broadway-Lafayette avenue subway should be prepared simultaneously with the plans of the lower part of the Broadway-Lexington Avenue subway. Mr. McCarroll is absent from the city. It cannot be said that if the two are to be constructed simultaneously plans should first be prepared on the Broadway-Lexington Avenue loop, because consents must be perfected on that route before any contract can be let. This may take some time to accomplish, whereas the consents are already obtained on the Broadway-Lafayette route and will expire in the course of the year."

Commissioner Maltbie—"I move that the resolution be referred to the Committee of the Whole. In making that motion I wish to state that I fully appreciate, I believe, the importance of the matters which Mr. Bassett has mentioned in his memorandum and the great desirability of relieving the Brooklyn Bridge and of transferring to the Williamsburg Bridge a greater portion of the traffic between the boroughs of Brooklyn and Manhattan; and also to provide for that section of Brooklyn better facilities than they now have. In making this motion, therefore, I do not wish to be considered as opposing the approval of the Broadway portion of the Broadway-Lafayette line in Brooklyn, but as Mr. McCarroll is absent from the City and as we have a committee which has not yet submitted a final report upon the method that should be adopted for the utilization of the subway between the bridges and in Manhattan, and as the Committee of the Whole has not completed its work upon the Broadway-Lafayette line in Brooklyn, it would seem to me at least at this moment unwise to take action upon this motion, and that action could be well deferred for a short time until the Committee of the Whole has considered and a report has been made by the committee in charge of a portion of the subjects dealt with in the memorandum."

Commissioner Eustis—"Mr. Chairman, I would like to second that motion to refer that to the Committee of the Whole, and would say in doing so, it is a physical impossibility to carry out at the present time the wording of the resolution to carry on this work simultaneously with the other on account of the condition of our draughting room, and the number of men employed, and the room they have. I have been assured by the Chief Engineer that they will be engaged for five or six weeks on additional plans needed for the subway loop, and then the resolution we have just passed to take up the Broadway-Lexington Avenue line will take at least six weeks longer. I want to say I am in favor of the Broadway-Brooklyn line and as soon as we reach it or can obtain the funds, I think it is one of the lines that should receive early attention."

Commissioner Bassett—"A single word before the motion to commit is put. I am opposed to the motion to commit, and I am in favor of passing this resolution because it has just as good a right to be passed now affirmatively as the Lexington Avenue motion has. My associate, Commissioner Maltbie, says that the method of constructing the Broadway-Brooklyn route has not been largely considered by the Commission. It is well known that this is a straight route without any turn as far as it is in Broadway,

and without taking any private property whatever, and is exceedingly simple. Whereas, such consideration as the Lexington Avenue route has had by our Commission still leaves it to some extent yet to be determined and as far as the simplicity and directness of construction is concerned Broadway is much the simpler and indeed the more determined."

The Chairman—"I am thoroughly in favor of connecting up the bridges as stated by Mr. Bassett, but I believe this matter of plans not having been considered by the Committee of the Whole in the same way as the Broadway-Lexington route it should receive that consideration before the engineering department is directed to prepare plans. From my view of the situation I believe fairly in connecting on the Brooklyn side with the loop now in progress of construction, but I think no harm can come by referring this resolution to the Committee of the Whole and a few days' consideration will do no harm to any interest. I put the vote on Commissioner Maltbie's resolution to refer to the Committee of the Whole. We will waive the question of seconding the motion of Commissioner Bassett."

Ayes—Commissioners Willcox, Maltbie, Eustis.

Nays—Commissioner Bassett.

Carried.

(19)

O-397

Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 397).

In the Matter
of

The Hearing on the motion of the Commission on the Question of Improvement in and Addition to the Service of the Dry Dock, East Broadway and Battery Railroad Company and of F. W. Whitridge, as Receiver of the said Company, in respect to the Grand Street Crosstown Line and in Respect to the Grand and Desbrosses Line to Brooklyn.

It is hereby ordered that a hearing be had on the 13th day of April, 1908, at 2.30 o'clock in the afternoon or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau street, in the Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices and service of the Dry Dock, East Broadway and Battery Railroad Company or of F. W. Whitridge as Receiver of the Dry Dock, East Broadway and Battery Railroad Company, in respect to transportation of persons in the First District on the Grand Street Crosstown Line and on the Grand and Desbrosses Line to Brooklyn are unreasonable, improper or inadequate, and whether the said Dry Dock, East Broadway and Battery Railroad Company or the said F. W. Whitridge, as Receiver of the said railroad, run cars enough or with sufficient frequency or upon a reason-

able time schedule, reasonably to accommodate the passenger traffic transported by them or offered for transportation to them and if such be found to be the fact, then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation and is and will be just, reasonable, proper and adequate to direct that the service of the said Dry Dock, East Broadway and Battery Railroad Company or of F. W. Whitridge, as its Receiver, be increased, supplemented and changed in the following manner, that is to say:

(1) By operating daily, including Sunday, over every point of the Grand Street Crosstown Line and every point of the Grand and Desbrosses Line to Brooklyn either

(a) A sufficient number of cars in each direction past any point of observation to provide, during every fifteen minute period of the day or night, a ten per cent. (10%) excess of seats for passengers at that point; the number of cars passing any point to be, however, never less than six (6) cars per hour in each direction, or

(b) A minimum number of fifteen (15) cars in one direction in each fifteen minute period in which the provisions of subdivision (a) above, are not complied

(2) By making such other and further changes in the schedule and manner of operating cars on the Grand Street Crosstown Line and on the Grand and Desbrosses Line to Brooklyn as may be just and reasonable.

(3) That on the Grand Street Crosstown Line all Westbound cars from Grand Street Ferry run at least to Broadway and all Eastbound cars run at least to the Ferry.

(4) That on the Grand and Desbrosses Line to Broadway all Westbound cars from the Brooklyn end of the Williamsburg Bridge run at least to Broadway, and all Eastbound cars run at least to the Brooklyn end of the Williamsburg Bridge.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered: That the said Dry Dock, East Broadway and Battery Railroad Company or F. W. Whitridge, its Receiver, be given at least five days' notice of such hearing by service upon them either personally or by mail of a certified copy of this order and that at such hearing said Company and its Receiver be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Maltbie to conduct the hearing.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, APRIL 7, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for March 27 and March 31, 1908, as printed in the CITY RECORD for April 4, 1908, and of the proceedings for April 3, 1908, as printed in the CITY RECORD for April 7, 1908, was approved.

(2)

O-298

The Secretary presented the following communications with regard to the condition of the Brooklyn Bridge structure, which were ordered filed:

March 26, 1908.

Hon. JAMES W. STEVENSON, *Commissioner of Bridges*, Nos. 13-21 Park Row, New York:

MY DEAR SIR—In the progress of the inquiry now being conducted by this Commission into the operation of the Brooklyn Rapid Transit Company of its elevated trains across the Brooklyn Bridge, the question has been presented as to the safety of the structure under the same. That being essential, indeed vital, in the consideration and to the proper determination as to what may be done toward increasing the capacity, convenience and comfort of transportation facilities, this Commission respectfully requests from the Department of Bridges as full information as possible bearing on that subject and particularly on the following points:

First—Whether the operation of Brooklyn Rapid Transit trains of the number and make-up at present run in the so-called rush hours has affected, or would be likely to affect, the Bridge so as to cause any dangerous conditions.

Second—Whether the number of such trains may be increased to seventy or more per hour (assuming their operation possible), and, if so, whether they would be likely to so affect the Bridge as to cause any dangerous conditions.

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Third—Whether trains comprising, or composed of, six motor cars, operating under their own power, would be likely to so affect the Bridge as to cause any dangerous conditions.

As the next hearing in this inquiry has been set for the 6th proximo, the Commission would esteem the favor of your reply as much prior to the same as may be convenient.

Very truly yours,

(Signed) WILLIAM R. WILLCOX, Chairman.

DEPARTMENT OF BRIDGES—CITY OF NEW YORK, }
13-21 PARK ROW, MANHATTAN, N. Y., }
April 6th, 1908. }

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission, 154 Nassau Street, New York City:

DEAR SIR—I have yours of the 26th ultimo, asking certain questions relative to the condition of the Brooklyn Bridge structure.

In reply thereto, I enclose reports made by Mr. C. M. Ingersoll, Chief Engineer of the Department of Bridges, Professor William H. Burr, of Columbia College, and Leon S. Moisseiff, an Engineer of this Department who is a recognized expert on statical computations and strength of structures.

Yours respectfully,

(Signed) J. W. STEVENSON,
Commissioner of Bridges.

DEPARTMENT OF BRIDGES—CITY OF NEW YORK, }
13-21 PARK ROW, MANHATTAN, N. Y., }
April 4th, 1908. }

Hon. JAMES W. STEVENSON, Commissioner of Bridges:

DEAR SIR—In compliance with your request for a report on the safety of the Brooklyn Bridge, I have again had the computations on stresses reviewed, the action of the Bridge under the present traffic watched, and hand you herewith a report made to me by Professor Wm. H. Burr, of Columbia College, who was engaged to review the computations, make careful examination of the structure, its past and present action under traffic, and the probable effect of six car trains composed of all motor cars as may be operated over the Bridge via the subway loop; also a report from Engineer Leon S. Moisseiff, who has made the computations and with Professor Burr watched the bridge under traffic.

From these reports you will see that under the present traffic and operating under present conditions, the stresses are within "safe and prudent" limits and that the use of the bridge with Brooklyn Rapid Transit trains running as at present and up to a limit of 80 trains per hour "cannot be productive of any conditions causing danger to the structure"; that trains composed of six motor cars, weighing 275 tons, operating

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under the same conditions, with fixed headway spacing and speed limit, "cannot so affect the bridge as to cause dangerous conditions".

Before, however, 80 trains per hour are operated over the bridge, the signal system now being installed should be in use.

You will also note that Professor Burr believes that the bridge has never been in as satisfactory condition to carry traffic as at present.

Yours truly,

(Signed) C. M. INGERSOLL,
Chief Engineer.

DEPARTMENT OF BRIDGES—CITY OF NEW YORK, }
13-21 PARK ROW, MANHATTAN, N. Y., }
April 1st, 1908. }

Mr. C. M. INGERSOLL, *Chief Engineer, Department of Bridges, 13-21 Park Row, New York City:*

DEAR SIR—The condition of the Brooklyn Bridge as affecting an increased future traffic over it, was given careful consideration in the report on the "Reconstruction of the Manhattan Terminus of the Brooklyn Bridge" made under date of December 31st, 1906, by a Commission appointed by the Hon. J. W. Stevenson, Commissioner of Bridges, and, at a later date, i. e., April 3rd, 1907, at your request, I reviewed the computations made in your Department to determine the increase in the cable stresses of the Brooklyn Bridge due to running over that structure six motor car trains instead of six car trains composed of four motor cars and two trailers; and at your further request I have recently again reviewed the computations for stresses in the Brooklyn Bridge, made in your Department, supplemented by a number of careful and extended examinations of the structure itself, especially during the rush hours of traffic. In this investigation of the structure itself, I have also examined a number of details, such as pins, trunnions, cable bands to which are attached the short suspenders at the center of span, heads of eye-bars from the stiffening trusses, and other similar details which have failed in course of maintenance after having been in the structure about twenty years.

The heaviest Brooklyn Rapid Transit trains now running over the Bridge consist of four motor cars and two trailers, the six cars loaded weighing 236 tons. This is the weight of train considered in the report of the Commission to which allusion has already been made. It was shown in that report that with such trains moving at a maximum speed of fifteen miles per hour, with a headway of forty-five seconds, and with trains separated by not less than 700 feet between them, making a total of eighty per hour, the greatest stresses in the cables, suspenders, towers, anchorages, and stiffening trusses would be "safe and prudent", it being the intention at that time to replace the floor system as soon as practicable, which work is now in progress. It is unnecessary to repeat here the details of this conclusion, as they will be found stated

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in full in the report of December 31st, 1906. It is clear, therefore, that the present use of the Bridge, with the Brooklyn Rapid Transit trains running in the manner described, up to a limit of eighty trains per hour, cannot be productive of any conditions causing danger to the structure.

It has been proposed to operate six motor car loaded trains, weighing 275 tons each, at the same maximum speed and with the same clear headway as with the trains consisting of four motor cars and two trailers. If this should be done, the resulting total cable stress would not be increased more than $2\frac{1}{2}$ per cent, with other stresses throughout the structure increased in a somewhat greater percentage, but still remaining within safe limits.

In fact I see no reason for varying the conclusion which I expressed to you in my communication of April 3rd, 1907, as follows: "It is my judgment that it is entirely reasonable and safe to run the proposed six motor car trains over this Bridge". In view of the results of these computations, and of my investigations of the structure repeatedly made under the present traffic, I have no hesitation in expressing my judgment that trains composed of the six motor cars, described above, operating under their own power and with a fixed headway and spacing, cannot so affect the Bridge as to cause any dangerous conditions.

The proposed operation of eighty trains per hour involves the installation of the signal system now contracted for and soon to be completed.

The efficient system of inspection under which the structure is maintained has resulted in replacements, the correction of misfitting members originally placed in the stiffening trusses, and the improvement of many details, until it may now be confidently stated that the Bridge has never been in as satisfactory condition of capacity to carry traffic as at present.

Very respectfully,
(Signed) W. H. BURR,
Cons. Engr.

DEPARTMENT OF BRIDGES—CITY OF NEW YORK, }
13-21 PARK ROW, }
NEW YORK, April 4th, 1908. }

Mr. C. M. INGERSOLL, *Chief Engineer*

DEAR SIR—Following your instructions I have examined my computations of the stresses caused in the various members of the Brooklyn Bridge by the six-car trains now operated over it, as well as, by the surface cars, vehicular traffic and footwalk passengers. I have also determined the effect on the bridge of the operation of six-car all motor trains of the style and weight now in use by the Brooklyn Rapid Transit Co.

Together with Prof. W. H. Burr I have made examinations of the bridge structure and of such of the details as have been replaced during the more recent years. I

have also inquired into the methods of inspection and maintenance which are observed in relation to this bridge and in the physical effect on the structure of the recently introduced operation of through six-car trains.

I find that with the specified spacing on the main span of 700 feet in the clear, between trains, and a greatest speed of 15 miles per hour controlled by an automatic signal system, and with the spacing of surface cars now in observance and control, the present six-car trains, consisting of 4 motor cars and 2 trailers, do not and will not cause any stresses in the main parts of the bridge in excess of the limits of safety. Nor will the operation of six-car trains, all consisting of motor cars of weights as now in use by the Brooklyn Rapid Transit System, cause any such stresses with the above mentioned spacing of 700 feet, in the clear, between trains, and the regulation of surface car traffic as is now being observed on the bridge.

The bridge is a flexible structure, to which fact part of its strength is due, and some of its minor details are exposed to wear and tear. Such details are trunnions and cable bands, especially for the short and more rigid suspender rods. This is, of course, expected and taken care of by the inspection and maintenance, and many of these details have been improved. Wherever thought advisable the chords of the stiffening trusses were reinforced to cover plates during the recent years.

No static members once replaced during the life of the bridge ever required any further repair.

The examination of the tower masonry shows it to be in perfect condition.

I, therefore, find that the bridge is in as good a physical condition, if not a better one, than it ever was before since its opening.

In find the inspection of the bridge to be careful and uninterrupted and its maintenance prompt and intelligent.

Respectfully,

(Signed) LEON S. MOISSEIFF, Engineer.

(3)

2919

The Secretary presented the following resolution, adopted by the Board of Estimate and Apportionment on April 3, 1908, and transmitted to this Commission, which was referred to the Committee of the Whole:

Resolved, That the Public Service Commission of the First District is hereby requested to prepare and present to this Board, not later than sixty days, for approval, forms of contract of the so-called Broadway-Lexington Avenue and Bronx Route, in order that such contract may be let speedily and improved transportation facilities afforded without delay to the residents of the Boroughs of Manhattan and The Bronx.

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(4)

2092

The Secretary presented the following communications and was directed to transmit a reply to the Commissioner of Public Works:

OFFICES OF COMMISSIONER OF PUBLIC WORKS, BOROUGH OF MANHATTAN, }
NOS. 13 TO 21 PARK ROW, }
NEW YORK, March 23, 1908. }

Hon. WILLIAM R. WILLCOX, President, Public Service Commission, No. 154 Nassau Street, N. Y. City:

DEAR SIR—I would respectfully call your attention to the condition of the Criminal Courts Building on the Centre Street side, which, owing to the building of the Subway, shows several serious breaks throughout the line of the masonry arch, carrying the entrance steps in the cellar of the above building. If this matter is not given immediate attention, danger to life and limb may result.

Cracks have also appeared in the ceiling of the Justices Bench in the Magistrates' Court on the front wall.

I would ask that your Commission take up this matter without delay and issue instructions to remedy these defects, where necessary for the protection and safety of the building.

Yours very truly,

(Signed) JOHN CLOUGHEN,
Commissioner.

March 30, 1908.

The Honorable WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—Referring to the letter of Honorable John Cloughen, Commissioner of Public Works, to you, dated March 24, relative to alleged serious breaks throughout the line of the masonry arch of the Criminal Courts Building, I beg to say that check levels were taken on the front of the building on March 24 and compared with levels taken on June 11, 1907, and at intervals subsequent to that date. These levels show that up to the present time no settlement has taken place in the Criminal Courts Building.

The work of making a detailed examination of the condition of this building has been in progress for the past week, in company with Mr. Rudolph P. Miller, representing the Commissioner of Public Works.

Up to the present time the excavations made by the Degnon Contracting Company have not been carried to a depth lower than the foundation of the Criminal Courts Building.

In view of the general condition of the Criminal Courts Building and reported from time to time in the public press, particular precaution has been taken looking to a complete record in regard to this building, as the work of constructing the Subway has progressed.

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The contractor is cognizant of the difficulties incidental to the construction of the Subway in the vicinity of this structure, and will use special care.

I am advised by Division Engineer that about two years ago similar complaint was received in regard to alleged defects on the Centre Street side of the building, as a result of the construction of the Subway on Elm Street, and he also states that the foundations of the Criminal Courts Building have always given considerable trouble.

Very truly yours,
(Signed) HENRY B. SEAMAN,
Chief Engineer.

(5) O-384A

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 384-A).

In the Matter
of

The hearing on motion of the Commission on the question of improvements in and additions to the service and equipment of the Coney Island and Brooklyn Railroad Company.

Service on DeKalb Avenue line.

It is hereby

Ordered, That a hearing be had on the 14th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire

I. Whether the regulations, practices, equipment, appliances, and service, of the Coney Island and Brooklyn Railroad Company in respect to transportation of persons in the First District upon its DeKalb Avenue line, are unjust, unreasonable, improper or inadequate, and whether changes, improvements, and additions thereto ought reasonably to be made in order to promote the security and convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether the changes, additions, and improvements in regulations, practices, equipment, and appliances and service of said company, as hereinafter set forth, are such as will be just, reasonable, adequate and proper, and ought reasonably to be made to accommodate the passenger traffic offered to it and to promote the convenience of the public, or in order to secure adequate service or facilities for the transportation of passengers, that is to say:

(a) Whether said Coney Island and Brooklyn Railroad Company should be directed to operate all cars passing the intersection of DeKalb Avenue and Gold Street bound for Park Row between the hours of 6:00 and 9:00 A. M., so that they shall

traverse, instead of Fulton and Washington Streets, the following streets: Gold Street, Willoughby Street, Jay Street, Sands Street, and then to the Bridge;

(b) Whether said Company should be directed to operate its cars leaving Park Row loops between the hours of 5:00 and 7:00 P. M. so that they shall run by way of Prospect (under the Bridge), Adams, Sands, Jay, Willoughby, and Gold Streets, to DeKalb Avenue, instead of using Washington and Fulton Streets as at present;

(c) Whether said Company should be directed to operate those of the additional cars indicated below under II, which leave the barns between the hours of 5:30 and 8:30 A. M. so that they shall run to High Street via DeKalb Avenue, Fulton Street and Washington Street; and to operate those of the additional cars below mentioned which start from the barns between the hours of 11:30 A. M. and 1:30 P. M. so that they shall run to Park Row.

And to inquire:

II. Whether the said Company runs cars enough and with sufficient frequency, or possesses and operates motor power enough reasonably to accommodate passenger traffic transported by it or offered to it for transportation, and if such be found not to be the fact, then to determine whether it is reasonably necessary, in order to accommodate and transport the said traffic transported or offered for transportation, and whether it is and will be just, reasonable, proper and adequate, to direct that the service of the said Coney Island and Brooklyn Railroad Company on its DeKalb Avenue line be increased and supplemented at the time and in the particulars following, that is to say:—

Leaving the depot at DeKalb and Covert Avenues:—

1. By an increase between the hours of 5:30 A. M. and 6:00 A. M. of two cars or from 5 to 7 cars.
2. By an increase between the hours of 6:00 A. M. and 6:30 A. M. of two cars or from 10 to 12 cars.
3. By an increase between the hours of 6:30 A. M. and 7:00 A. M. of four cars or from 18 to 22 cars.
4. By an increase between the hours of 7:00 A. M. and 7:30 A. M. of nine cars or from 19 to 28 cars.
5. By an increase between the hours of 7:30 A. M. and 8:00 A. M. of ten cars or from 18 to 28 cars.
6. By an increase between the hours of 8:00 A. M. and 8:30 A. M. of four cars or from 19 to 23 cars.

Of the above totals the same number as at present shall operate across Brooklyn Bridge, via the prescribed route.

7. By an increase between the hours of 11:30 A. M. and 12:30 P. M. of three cars or from 15 to 18 cars.

8. By an increase between the hours of 12:30 and 1:30 P. M. of three cars or from 17 to 20 cars.

The following increase for the east bound traffic, the additional cars between the hours of 4:45 and 6:45 P. M. to start from High Street and run to Covert Avenue, via Washington Street, Fulton Street and DeKalb Avenue. The additional cars between the hours of 9:30 and 12:00 P. M. to start from Park Row loops and run to the Covert Avenue depot via Washington Street, Fulton Street and DeKalb Avenue.

9. By an increase between the hours of 4:45 and 5:15 P. M. of five cars or from 23 to 28 cars.

10. By an increase between the hours of 5:15 and 5:45 P. M. of ten cars or from 18 to 28 cars.

11. By an increase between the hours of 5:45 and 6:15 P. M. of nine cars or from 19 to 28 cars.

12. By an increase between the hours of 6:15 and 6:45 P. M. of thirteen cars or from 15 to 28 cars.

Of the above totals the same number as at present shall operate across Brooklyn Bridge, but by the route elsewhere prescribed.

13. By an increase between the hours of 9:30 and 10:30 P. M. of four cars or from 14 to 18 cars.

14. By an increase between the hours of 10:30 and 11:30 P. M. of three cars or from 15 to 18 cars.

15. By an increase between the hours of 11:30 and 12:00 P. M. of two cars or from 6 to 8 cars.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Coney Island and Brooklyn Railroad Company be given at least five days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said Company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Bassett to conduct the hearing.

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(6)

O-398

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 398).

In the Matter
of

The regulations, practices, and service of
the Brooklyn Union Elevated Railroad
Company.

Order No. 398, extending the time within which the Defendant may comply with Final Order No. 156, as to the installation of 143 additional station signs, to and including May 15, 1908, was approved, confirmed and ordered filed in the office of the Commission.

(7)

O-399

Commissioner Eustis moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 399).

Patrick J. McGrath,
Complainant,
against

Interborough Rapid Transit Company,
Defendant.

Order No. 399, extending the time within which the Defendant may answer Complaint Order No. 369, as to inadequate stairways at 80th Street station of Second Avenue elevated road, to and including April 16, 1908, was approved, confirmed and ordered filed in the office of the Commission.

(8)

O-400

Commissioner Eustis moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 400).

Ralph Folks,
Complainant,
against

Interborough Rapid Transit Company,
Defendant.

Order No. 400, extending the time within which the Defendant may answer Complaint Order No. 370, as to an additional stairway at 86th Street station of the Second Avenue elevated road, to and including April 16, 1908, was approved, confirmed and ordered filed in the office of the Commission.

(9)

C-1808

The Secretary presented a communication from the West Side Taxpayers' Association, requesting that all three-car trains on the Ninth Avenue elevated line be increased to four or five cars, up to 9 P. M., which was referred to Commissioner Eustis.

(10)

C-1803

The Secretary presented a communication from the Washington Heights Tax-payers' Association, requesting the issuance of an order extending the service on the Broadway branch of the subway by running the present Dyckman Street express trains to Kingsbridge, and the local trains to Dyckman Street; and submitting a memorandum setting forth the conditions by reason of which the request was made. The letter was referred to Commissioner Eustis.

(11)

1840

The Secretary presented a resolution adopted by the State Civil Service Commission on April 1, 1908, allowing the employment of Bion J. Arnold and his assistants, in the matter of investigation and report on methods of improving the service in the Manhattan subway, which was ordered filed.

(12)

3208

The Secretary presented a resolution adopted by the State Civil Service Commission, allowing the employment of E. A. Kunze, architectural designer, at a compensation not to exceed \$166.66 per month, which was ordered filed.

(13)

3319

The Secretary presented a resolution adopted by the State Civil Service Commission, allowing the employment of Alexander H. Rombough and Alfred A. R. Berger, in connection with investigation of the lines and equipment of street railways, at a compensation not to exceed \$173.19 per month each. The resolution was ordered filed.

(14)

1418

The Secretary presented a resolution adopted by the State Civil Service Commission on April 1, 1908, allowing the employment of John Loew as expert in the organization of the Bureau of Franchises, at a compensation not to exceed the sum of \$650, which was ordered filed.

(15)

1784

On motion, duly seconded, it was

Resolved, That the appointment of Enos W. Cory, Cement Tester, be terminated, to take effect April 1, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(16)

2569

The Secretary presented a communication from Richard C. Harrison, declining appointment as Junior Assistant Counsel, Second Grade. The declination was accepted.

April 7, 1908.]

784

(17)

3242

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service lists:

Name.	Position.	Salary.	To Take Effect.
Warren R. Thompson.....	Electrical Engineer, First Grade	\$200 per month	April 7, 1908
John H. Barnard.....	Electrical Engineer, First Grade	200 per month	April 1, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(18)

3341, 3342, 3344

On motion, duly seconded, it was

Resolved, That the following appointments for periods of thirty days, be made from the Civil Service lists:

Name.	Position.	Salary.	To Take Effect.
George F. Mueden.....	Bridge Draughtsman.....	\$125 per month	April 9, 1908
Martin Korn	Bridge Draughtsman.....	100 per month	April 8, 1908
Albert C. Miller.....	Bridge Draughtsman.....	125 per month	April 6, 1908
Eugene Silber	Bridge Draughtsman.....	100 per month	April 6, 1908
J. P. B. Hyndman.....	Engineering Draughtsman.....	5 per diem	April 7, 1908
Edward P. Quirk.....	Junior Bridge Draughtsman....	75 per month	April 7, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(19)

3308

The Secretary presented a communication from Julius Henry Cohen, Chairman of the Committee on Legislation of the Citizens Union, and the reply of the Chairman thereto, as follows:

April 4th, 1908.

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission, First District, New York City:

DEAR SIR—The Senate Committee on Cities amendments to the Travis-Robinson bill are, in the opinion of the Citizens Union, Committee on Legislation, of a most dangerous character in that in substantial effect they will bring back the perpetual franchise which experience has shown to be so unnecessary and so unwise. In the first place, they permit a period of fifty years during which the right of recapture

[April 7, 1908.]

by the city shall not be exercised, and in the second place they seriously imperil the right of recapture, because they compel the city to reimburse the road under any franchise which it recaptures before making a contract with a new operating company. The result of this latter limitation is that the need of recapture might arise at a time when, owing to the constitutional restrictions upon the power of the city to borrow money, the city would be practically unable to exercise its rights. Proper legislation would enable the city to utilize the proceeds of a sale to a new company in paying off the old company.

It is announced at Albany, that the bill, as it now stands, meets with the approval of your body. Before making our criticisms public, may we inquire whether this report is accurate? Does your Commission approve the bill in its present form, and if not, does it approve either of the change from the twenty-five to the fifty year minimum period, or of the omission to make practicable the power of recapture?

I should be obliged to you if you would let me hear from you at your early convenience.

Very truly yours,

(Signed) JULIUS HENRY COHEN,
Chairman, Committee on Legislation, Citizens Union.

April 6, 1908.

JULIUS H. COHEN, Esq., 15 William Street, New York City:

DEAR SIR—Yours of April 4th received. The opinion of the Commission on the matters referred to is carefully expressed in its annual report. The Commission approved of the Robinson Assembly reprint No. 1844, and favored it before the Senate Cities committee, and did not favor any changes. The Commission does not intend, however, to oppose the action of the Senate Committee in fixing the increased figures, as the power to keep to the lower figures remains in the Public Service Commission and the Board of Estimate.

Yours very truly,

(Signed) W. R. WILLCOX, Chairman.

(20)

O-401

Commissioner Eustis moved the adoption of the following discontinuance order, which was duly seconded:

DISCONTINUANCE ORDER (No. 401).

E. J. Benson,
Complainant,
against
New York Transfer Company,
Defendant.

Order No. 401, discontinuing proceedings upon Complaint Order No. 385, as to failure to refund excess charge for delivery of a trunk, said complaint having been satisfied, was approved, confirmed and ordered filed in the office of the Commission.

(21)

3352

On motion, duly seconded, it was

Resolved, That the State Civil Service Commission be requested to hold an examination, at an early date, for the position of Structural Draughtsman.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

O-402

Commissioner Eustis moved the adoption of the following order, which was duly seconded:

ORDER (No. 402).

In the matter
of

The construction of elevator enclosures to
prevent draughts at 168th Street and
181st Street stations.

Upon motion made and duly seconded, it is

Resolved, That the Interborough Rapid Transit Company be, and it hereby is, ordered to obtain proposals for constructing glass elevator enclosures at the bottom of the shafts at the 168th St. and 181st St. stations to prevent strong draughts, in accordance with the Public Service Commission plans Numbers T-472 and T-473 respectively.

Such additional details, supplementary plans and specifications as may be required to be furnished to the Interborough Rapid Transit Company by the Public Service Commission; said proposals to be submitted to the Public Service Commission for its approval before any work is proceeded with; and it is further

Resolved, That the work of constructing the above elevator enclosures, when authorized, is to be executed and paid for as an Extra under Contract No. 1 entered into between John B. McDonald and the City of New York, February 21, 1900.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

O-403

Commissioner Maltbie—"Mr. Chairman, upon February 14th last the Commission adopted an order directing the New York City Railway Company, or its receivers, to overhaul and repair thoroughly not fewer than 10 cars daily, exclusive of Sundays and holidays—this work to proceed until all of the cars had been placed in first class operating condition. Under this order the receivers were proceeding until a fire destroyed the car-barn at Second Avenue and 96th Street, where nearly all of the work was being done. This fire so greatly diminished the facilities of the company, that a hearing was ordered to be held to determine whether the original order should be modified. The evidence taken at these hearings shows that the company is able,

under existing conditions, to overhaul and repair all of its open cars, about 370 in number, prior to the 30th of May. The experts of the Commission have not yet been able to determine how rapidly the closed cars can be overhauled, and I have directed that an order be drawn directing the company to overhaul its open cars prior to May 30th, but have left over for subsequent hearings the question of repairing the closed cars. Within two weeks I hope to be able to report upon this matter as well. In the meantime, the receivers have sent 200 of their cars to New Jersey, where they are being repaired by a manufacturing concern."

Commissioner Maltbie thereupon moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 403).

In the Matter

of

The Hearing on the Motion of the Commission on the Question whether the Order heretofore made by the Commission on February 14, 1908, known as Order No. 260, directing the New York City Railway Company, or Adrian H. Joline and Douglas Robinson, its Receivers, on or after February 15, 1908, to turn out not fewer than ten cars daily, not including Sundays and holidays, overhauled and repaired, as provided in said Order, should be modified in any respect because of the destruction by fire of the Car Barn at Second Avenue and Ninety-sixth Street, together with its contents, belonging to said Company, or its said Receivers.

An order, known as Order No. 332, having been duly made by the Commission on March 10, 1908, directing that a hearing be had on the question whether the order heretofore made by the Commission on February 14, 1908, known as Order No. 260, directing the New York City Railway Company, or Adrian H. Joline and Douglas Robinson, its Receivers, on or after February 15, 1908, to turn out not fewer than ten cars daily, not including Sundays and holidays, overhauled and repaired, as provided in said order, should be modified in any respect because of the destruction by fire of the car barn at Second avenue and Ninety-sixth street, together with its contents, belonging to said Company or its said Receivers, and said order having been duly served on Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company on March 11, 1908, and said hearing having been duly had in pursuance thereof before the Commission on March 24, 1908 and April 3, 1908, Commissioner Maltbie presiding, Mr. Oren Root, General Manager of the New York City Railway Company for its said Receivers, attending, and Mr. Henry H. Whitman, Assistant Counsel to the Commission, attending, it is

Ordered, That said order heretofore made by the Commission on February 14, 1908, known as Order No. 260, as respects the New York City Railway Company and

Adrian H. Joline and Douglas Robinson, its Receivers, be modified as hereinafter set forth. And it is further

Ordered, That all the open cars, being about 370 in number, of said New York City Railway Company, or of its said Receivers, prior to the 30th day of May, 1908, receive a thorough inspection, covering car bodies, motor and electric equipment, wiring and trucks, and that said cars be thoroughly overhauled and repaired so that when completed they and every one of them shall be in a first-class operating and substantially new condition, having safe, proper and adequate car bodies, headlights, pilot fenders, wiring, brasses, controllers, automatic circuit breakers, resistances, axle gear wheels, armature pinions and car wheels; and it is further

Ordered, That said New York City Railway Company, or its said Receivers, notify the Commission daily in writing, in a form to be prescribed by the Commission, of the number of said open cars so turned out as aforesaid, giving the identification numbers thereof, and when and where the same are to be tested; and it is further

Ordered, That from and after April 13, 1908, the said New York City Railway Company, or its said Receivers, furnish and forward daily to the Commission a transcript of the daily entries in the so-called "run-in" book or books showing, among other things, which of said cars are out of order; and it is further

Ordered, That this order shall be without prejudice to an order for a hearing and action thereon by the Commission in respect of any of the open cars covered by said Order No. 260 or by Order No. 179 referred to therein; and it is further

Ordered, That said New York City Railway Company, or its said Receivers, notify this Commission in writing within five days after the service of this order whether its terms are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(24)

O-404

Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 404).

In the Matter
of

The hearing on the Motion of the Commission on the Question of Improvement in and Addition to the Service of the Third Avenue Railroad Company, and of Frederick W. Whitridge as Receiver of said Company.

Third and Amsterdam Avenue line.

It is hereby Ordered, That a hearing be had on the 16th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be

adjourned, at the Rooms of the Commission, No. 154 Nassau Street, in the Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices and service of the Third Avenue Railroad Company, or of Frederick W. Whitridge as Receiver of the Third Avenue Railroad Company, in respect to the transportation of persons in the First District on the Third Avenue and Amsterdam Avenue line, from the United States Post Office in Park Row to the northern terminus of the line at or near 195th Street, are unreasonable, improper or inadequate, and whether the said Third Avenue Railroad Company, or the said Frederick W. Whitridge, as Receiver of the Third Avenue Railroad Company, run cars enough or with sufficient frequency or upon a reasonable time schedule, reasonably to accommodate the passenger traffic transported by them, or offered for transportation to them, and if such be found to be the fact then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be just, reasonable, proper and adequate to direct that the service of the said Third Avenue Railroad Company, or of Frederick W. Whitridge as Receiver of the Third Avenue Railroad Company, be increased, supplemented and changed in the following manner, that is to say:

I. By operating daily, including Sunday, over every point of the Third and Amsterdam Avenue line, from the United States Post Office in Park Row to the northerly terminus of the line at or near 195th Street, either

(a) A sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day or night a number of seats at least ten per cent. in excess of the number of passengers at that point; the number of cars passing any point to be, however, never less than six per hour in each direction, or

(b) A minimum number of 25 cars in one direction in each fifteen minute period in which the provisions of subdivision (a) above are not complied with.

II. By making such other and further changes in the schedule and manner of operating cars on the Third and Amsterdam Avenue line between the United States Post Office in Park Row and the northerly terminus of the line at or near 195th Street as may be just and reasonable, and if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable. It is further

Ordered, That the said Third Avenue Railroad Company and the said Frederick W. Whitridge, as Receiver of the Third Avenue Railroad Company, be given at least five days notice of said hearing by service upon them, either personally or by mail, of a certified copy of this order, and that at such hearing said Company and its Receiver

be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Maltbie to conduct the hearing.

(25)

O-405

Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 405).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Addition to the Service of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of said company.

Lexington Avenue Line.

It is hereby Ordered, That a hearing be had on the 15th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices and service of the New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, in respect to transportation of persons in the First District on the Lexington Avenue Line, are unreasonable, improper or inadequate, and whether the said New York City Railway Company, or the said Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, run cars enough or with sufficient frequency or upon a reasonable time schedule reasonably to accommodate passenger traffic transported by them or offered for transportation to them, and if such be found to be the fact then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be just, reasonable, proper and adequate to direct that the service of the said New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, its Receivers, be increased, supplemented, and changed in the following manner, that is to say:

(1) By operating daily including Sundays over every point on the Lexington Avenue Line between 23rd Street and Broadway and the northerly terminus of the line either

(a) A sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. in excess of the number of passengers at that point; the number of cars passing any point to be, however, never less than six per hour, in each direction; or

(b) A minimum number of twenty-five cars in one direction in each fifteen minute period in which the provisions of subdivision (a) above are not complied with.

(2) By making such other and further changes in the schedule and manner of operating cars on the Lexington Avenue Line between 23rd Street and Broadway and the northerly terminus of the line as may be just and reasonable.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said New York City Railway Company, and Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, be given at least five days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said Company and its Receivers be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Maltbie to conduct the hearing.

TRAVIS H. WHITNEY, SECRETARY.

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April 10, 1908

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PROCEEDINGS OF
PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, APRIL 10, 1908.
TRIBUNE BUILDING, 154 NASSAU STREET.
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Chairman William R. Willcox, Commissioners William McCarroll, Ed-
ward Milo R. Maltbie, John E. Eustis.

Secretary presented the following petition of the Coney Island and Brooklyn
Company for approval of the issue of bonds, which was referred to Com-
missioner Cassett:

NEW YORK, PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.
In the Matter

of
Application of The Coney Island
Brooklyn Railroad Company for ap-
proval of the issue of additional bonds
of the par value of \$462,000 secured
by a Consolidated Mortgage authorized
under order of December 14th, 1904.

PETITION.

The Public Service Commission, First District:
The petition of The Coney Island & Brooklyn Railroad Company respectfully
shews:
On December 14, 1904, the State Board of Railroad Commissioners made its
order, a copy of which is hereunto annexed marked "Exhibit A" consenting to a
mortgage by the petitioner upon its railroad property and franchises to secure an
issue of bonds of the par value of ten million dollars. It was therein ordered that
the company make application to the State Board of Railroad Commissioners be-
fore issuing bonds beyond the amount of five million five hundred thousand dollars
See N. Y. R. R. Commissioner's Report for 1904, Vol. I, p. 183.
(26)

[Form 2020]

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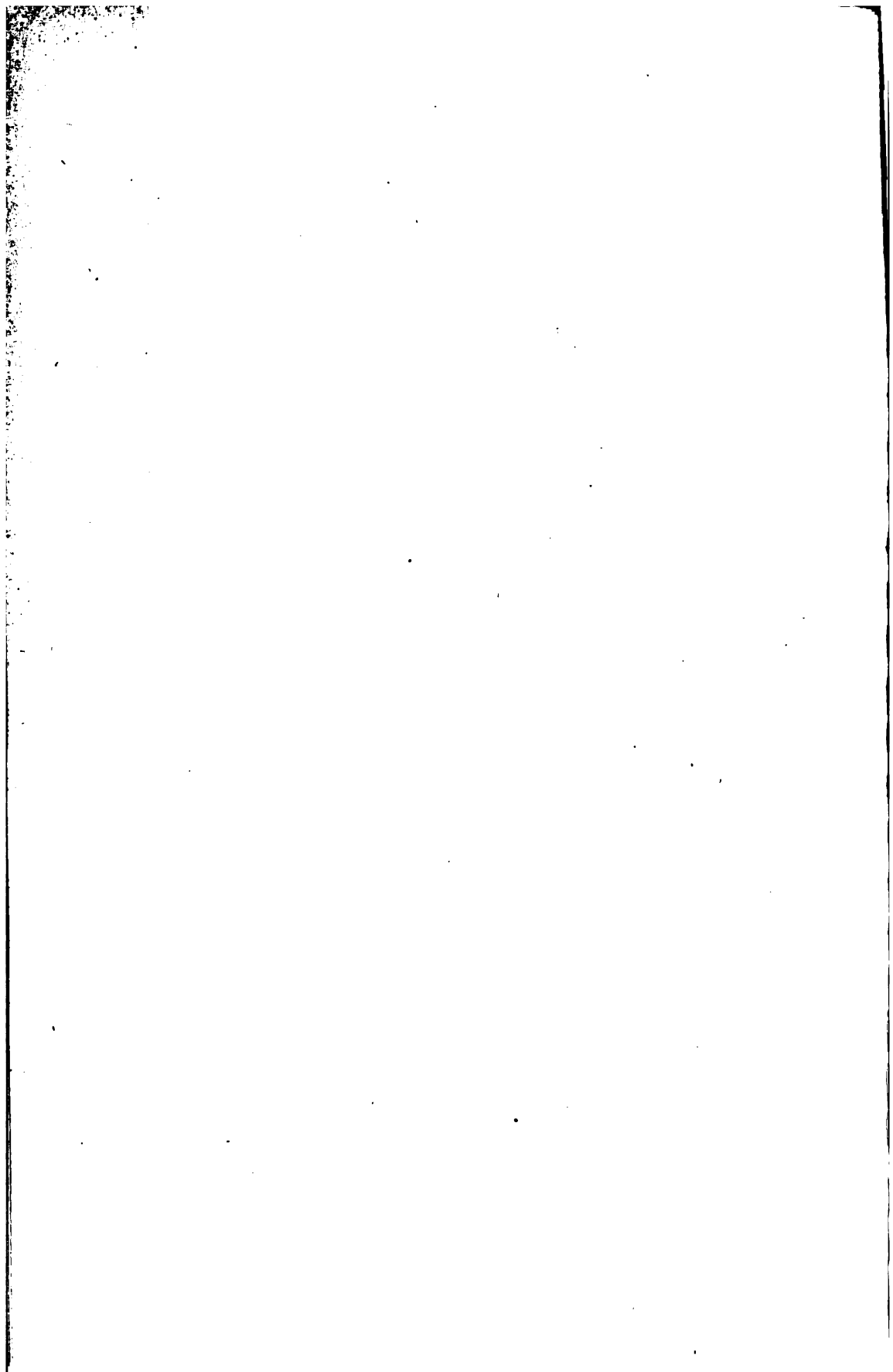
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PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, APRIL 10, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

3353

The Secretary presented the following petition of the Coney Island and Brooklyn Railroad Company for approval of the issue of bonds, which was referred to Commissioner Bassett:

STATE OF NEW YORK, PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

In the Matter

of

The Application of The Coney Island
& Brooklyn Railroad Company for ap-
proval of the issue of additional bonds
of the par value of \$462,000 secured
by Consolidated Mortgage authorized
by order of December 14th, 1904.

PETITION.

To the Public Service Commission, First District:

The petition of The Coney Island & Brooklyn Railroad Company respectfully shows:

On December 14, 1904, the State Board of Railroad Commissioners made its order, a copy of which is hereunto annexed marked "Exhibit A" consenting to a mortgage by the petitioner upon its railroad property and franchises to secure an issue of bonds of the par value of ten million dollars. It was therein ordered that the company make application to the State Board of Railroad Commissioners before issuing bonds beyond the amount of five million five hundred thousand dollars (See N. Y. R. R. Commissioner's Report for 1904, Vol. I, p. 183).

(26)

[Form 2020]

[1 M (B)]

The petitioner executed the mortgage to the Mercantile Trust Company on December 15, 1904. Bonds of the par value of four million dollars, part of the five million five hundred thousand dollars authorized to be issued by the order have been signed by the petitioner and certified by the trustee and are held by the trustee to retire two million dollars par value bonds of The Coney Island & Brooklyn Railroad Company which will mature July 1, 1948, and to retire bonds of the Brooklyn City & Newtown Railroad Company of the par value of two million dollars, which will mature July 1, 1939, and bonds of the par value of one million five hundred thousand dollars have been issued and sold by the trustee for other purposes enumerated in the affidavit of Duncan B. Cannon verified December 2, 1904, entitled "Statement of the purposes to which the proceeds of the mortgage are to be devoted" annexed to the petition of this petitioner, dated December 2, 1904, for the consent of the State Board of Railroad Commissioners to the execution of the mortgage, which petition is on file in the office of the Public Service Commission for the First District, as your petitioner is informed and believes, and to which it refers.

Your petitioner further shows that the mortgage provides as follows:

"(d) The remaining bonds, aggregating \$4,500,000 may, from time to time hereafter, upon resolution of the directors of "The Railroad Company," be executed by its officers and delivered to The Trustee for certification, and said bonds shall be certified by "The Trustee" and delivered to "The Railroad Company" upon its demand or upon the order of its President, for any of the following purposes:

The extensions of the railroads of "The Railroad Company" by construction or purchase or the purchase of additional equipment over and above the amount of the equipment now in use by "The Railroad Company," whether owned by it or the Brooklyn City and Newtown Railroad Company (and this shall be construed not to include replacement of old equipment with new equipment), or the reconstruction of the railroad from Prospect Park to Coney Island, including the pavement of Coney Island Avenue, or the cost of one replacement of cobble stone pavement with improved pavement upon the streets now paved with cobble stones, done upon the order of city officials or in anticipation thereof, or in placing cables and wires underground which are now overhead, or any other betterment which, in the judgment of the directors of "The Railroad Company" ought not to be charged as expense of operation."

Your petitioner further shows that it desires the consent and approval of the Public Service Commission, First District, to issue bonds under said mortgage beyond the amount of five million five hundred thousand dollars, to wit: \$462,000 to pay \$278,000, the estimated cost of the reconstruction of the railroad on Coney Island Avenue from Prospect Park to Coney Island, and to pay \$16,000, the balance of the cost of ten new cars ordered by this Commission over \$30,000, the par value of authorized car trust bonds and to pay \$82,973, the balance of the cost of reconstruction of petitioner's power system over the moneys raised therefor by sale of stock.

[April 10, 1908.]

Your petitioner further shows that by Chapter 610 of the Laws of 1906, the Legislature of the State of New York authorized the Board of Estimate and Apportionment of the City of New York to change the route or right of way and the location of the tracks of your petitioner in Coney Island Avenue, between Fort Hamilton Avenue and Neptune Avenue, in the Borough of Brooklyn, from the present location on the westerly side to the center of said avenue, the cost and expense of said change of tracks to be borne by your petitioner, and your petitioner to have the same right, title and interest in the new route or right of way as it now has in the route or right of way occupied by it. Thereafter, and in pursuance of the requirements of Chapter 610 of the Laws of 1906, your petitioner filed with the Board of Estimate and Apportionment its acceptance of the said act, and the Board of Estimate and Apportionment by a resolution adopted on or about the 18th day of January, 1907, changed the route or right of way and the location of the tracks of your petitioner from the westerly side of Coney Island Avenue to the center thereof.

Your petitioner further shows that it has obtained and now has in its possession consents and deeds of the new route or right of way in the center of Coney Island Avenue, delivered to your petitioner by the abutting property owners representing more than one-half in value the property bounded on Coney Island Avenue, between Fort Hamilton Avenue and Neptune Avenue, as required by Chapter 610 of the Laws of 1906, and that said act has become operative by the delivery of said consents and deeds to your petitioner.

Your petitioner further shows that it intends in good faith to change the location of its tracks on Coney Island Avenue, from the westerly side to the center, from Fort Hamilton Avenue to Neptune Avenue; that all preliminary steps required by law have been taken to entitle your petitioner to make the change.

Your petitioner further shows that it was formerly the intention of your petitioner to pay the cost of the change of location of the tracks partly out of the income and partly out of the proceeds of sale of capital stock of your petitioner, which was increased in the Spring of 1907 from \$2,000,000 to \$3,000,000. At that time your petitioner stated the purposes to which the new stock would be devoted as follows:

To pay the cost of change of location of tracks at Coney Island avenue...	\$156,038.00
To pay cost of new power house.....	648,376.00
To repay indebtedness outstanding contracted for construction and equipment	326,929.11

\$1,131,343.11

The reconstruction of the power plant is under way. Many of the contracts have been let and contractors' estimates of the remainder have been received. The estimated cost stated in the petition for consent to the increase of the capital stock was \$648,376. The contracts let and to be let show that the cost was underestimated and that it will be at least \$731,349.

Your petitioner further shows that one hundred and sixty-one shares of the increase of capital stock had not been sold and that the proceeds of sale of the authorized stock are \$983,900. The income of your petitioner has decreased and there will be no surplus income during the current fiscal year, applicable to purposes of construction. Your petitioner cannot raise the moneys necessary to pay the cost of changing the location of the tracks on Coney Island Avenue, except by the sale of the bonds hereinbefore mentioned. Railroad bonds equally well secured and bearing four per cent. interest are selling in the market at or about eighty per cent. of their par value and to raise \$369,000, \$462,000 par value of the bonds in question must be sold.

Your petitioner further shows that heretofore, and on or about the 13th day of September, 1907, the Public Service Commission, First Department, made its order requiring the petitioner to purchase ten new cars. These cars have been purchased and cost delivered \$46,000. \$30,000 Car Trust bonds have been authorized by this Commission to be issued and sold to provide \$30,000 of the purchase price, and \$16,000 is unprovided for.

Your petitioner further shows that out of the proceeds of sale of its capital stock it has paid its floating debts, namely, \$326,929.

Hereunto annexed and marked "Exhibit B" is a memorandum of the expenditures which must be capitalized by your petitioner.

Hereunto annexed and marked "Exhibit C" is a statement of the cost of the Coney Island Avenue track construction.

Hereunto annexed and marked "Exhibit D" is a statement of the unit cost of track construction, Coney Island Avenue.

Your petitioner shows that thereunto annexed and marked "Exhibit E" is a copy of the resolution of the Local Board of Bayridge and Flatbush District providing for repaving Coney Island Avenue between Fort Hamilton Avenue and a point between Avenue G and Avenue H. No further provision for paving Coney Island Avenue has, to the knowledge of your petitioner, been made.

The law of 1906, hereinbefore referred to, provides that the expense of paving the avenue, including the expense of paving between the petitioner's tracks, shall be borne by the city. Your petitioner is informed and believes that the resolution for paving is limited to the district aforesaid because no sewer has been constructed under Coney Island Avenue below the point mentioned between Avenue G and Avenue H, and that the city will not pave the Avenue until pending proceedings looking to the laying of the sewer are completed. Your petitioner is not obligated and does not intend to reconstruct its tracks below "the summit in Coney Island Avenue between Avenue G and Avenue H" until the city proceeds with the paving below that point. The distance from Fort Hamilton Avenue to the point mentioned is about one and three-eighth miles which will call for the construction of two and three-fourths miles of single track.

A copy of the Certificate of Organization of the petitioner, certified by the Secretary of State and the County Clerk was filed with the Public Service Commission, First District, on the 3rd day of January, 1908.

The purposes or powers of the petitioner are extended by Chapter 365 of the Laws of 1872 authorizing the petitioner to construct and operate its railroad to the Hamilton Ferry by certificate filed on the 14th day of February, 1890, authorizing the petitioner to construct a branch from Neptune Avenue to Sea Breeze Avenue and along Sea Breeze Avenue and West 5th Street, and by certificate filed on the 28th day of March, 1895, authorizing the petitioner to construct a railroad on High Street from Washington Street to Jay Street.

No certificate, record or order is required by law to be made or filed to authorize the petitioner to exercise any of its franchises or rights.

Proof of the consent of the petitioner's stockholders to the mortgage mentioned in the petition was filed with the Public Service Commission, First District, on the day of 190 .

"Schedule F," hereunto annexed, contains a statement in detail of the capital stock outstanding, the rates and amount of dividends during the past five years, the outstanding indebtedness and how secured, and also a description of the road and of its equipment and a statement of the cost of its existing property. It contains also a statement of the amount of the stock of the petitioner held by other corporations and their names and the amount held by each.

Schedule C and D, hereunto annexed, contains a detailed description of the construction, completion, extension or improvement of facilities contemplated.

Contracts have been made for the construction of the power system of the petitioner.

No contract has been made for the construction of railroad on Coney Island Avenue.

No contract has been made for the sale of the bonds mentioned in the petition.

Upon information and belief, the petitioner alleges that \$500,000 par value of its capital stock was issued in or about the year 1862, of which, capital stock of the par value of \$484,600 was issued on account of construction and stock of the par value of \$800 was issued for damages. In 1898, capital stock of the par value of \$1,000,000 was issued to purchase all of the capital stock of the Brooklyn City & Newtown Railroad Company. The remainder of the petitioner's capital stock has been issued for cash at par and the proceeds of sale have been used for construction.

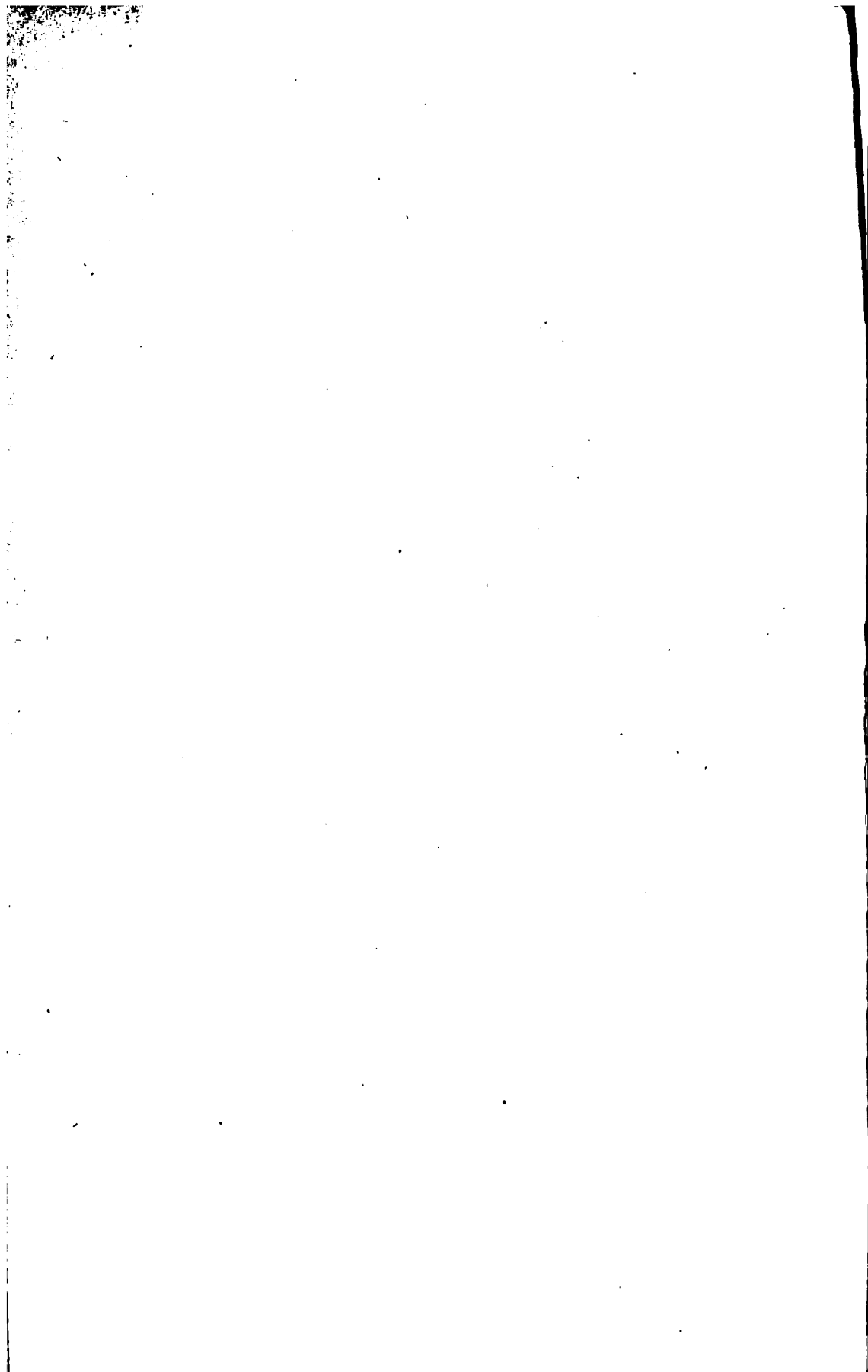
Wherefore your petitioner prays that the Public Service Commission for the First District will consent to and approve of an additional issue of bonds secured by its consolidated mortgage, dated December 15, 1904, of the par value of four hundred and sixty-two thousand dollars.

Dated, April 6, 1908.

THE CONEY ISLAND & BROOKLYN RAILROAD COMPANY,

By (Signed) S. W. HUFF, President.

Secretary and Treasurer.



PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, APRIL 10, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

3353

The Secretary presented the following petition of the Coney Island and Brooklyn Railroad Company for approval of the issue of bonds, which was referred to Commissioner Bassett:

STATE OF NEW YORK, PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

In the Matter
of

The Application of The Coney Island & Brooklyn Railroad Company for approval of the issue of additional bonds of the par value of \$462,000 secured by Consolidated Mortgage authorized by order of December 14th, 1904.

PETITION.

To the Public Service Commission, First District:

The petition of The Coney Island & Brooklyn Railroad Company respectfully shows:

On December 14, 1904, the State Board of Railroad Commissioners made its order, a copy of which is hereunto annexed marked "Exhibit A" consenting to a mortgage by the petitioner upon its railroad property and franchises to secure an issue of bonds of the par value of ten million dollars. It was therein ordered that the company make application to the State Board of Railroad Commissioners before issuing bonds beyond the amount of five million five hundred thousand dollars (See N. Y. R. R. Commissioner's Report for 1904, Vol. 1, p. 183).

(26)

[Form 2020]

[1 M (B)]

April 10, 1908.]

800

"SCHEDULE D."
Unit Cost of Track Construction.
Coney Island Avenue.

	Number of Units per Mile	Price per Unit	Cost of Single Track Per Mile
Rail, 9" 109 Section, 60' lengths.....	172 long tons	\$38.40	\$6,605.
Ties, 6" x 8" x 8" Creosoted L. D. Y. P. hewn, 2' centers	2,640	1.05	2,772.
Screw Spikes, 5½" x 9/16".....	12,068 lbs.	.025	302.
Tie Plates, plain flat plate, 4 holes.....	5,280	.15	792.
Tie Rods, 1½ x 3/8, 5' centers.....	1,056	.30	317.
Joint Plates and Bonding.....	176	4.65	819.
Broken Stone Ballast (Based on Granite Pavement on Concrete)	1,170 cu. yds.	2.30	2,691.
Cross Bonding 4/0 copper.....	20	2.75	55.
Drain Boxes	4	50.00	200.
Temporary Wooden Crossings.....	4	11.25	45.
Excavation	3,062 cu. yds	.50	1,531.
Track laying	5,280 feet	.69	3,643.
Hauling Material	5,280 "	.05	264.
Cleaning Street	5,280 "	.05	264.
			\$20,300.
	Incidentals 5%..		1,015.
	Total.....		\$21,315.

"EXHIBIT E."

In the Local Board of the Bay Ridge & Flatbush District.

Whereas, A petition for a local improvement described below has been received by the President of the Borough of Brooklyn, and

Whereas, He has appointed a time for a meeting of this Local Board not more than fifteen days after the receipt by him of the said petition, at which meeting the said petition would be submitted by him to the said Local Board, and he has caused a notice to be published in the CITY RECORD that said petition has been presented to him and is on file in his office for inspection, and of the time when and the place where there would be a meeting of this Local Board at which the said petition would be submitted by him to the said Board, which time was not less than ten days after the publication of this notice, and

Whereas, The said petition was duly submitted thereafter to the said Local Board, which did duly consider the same and give a full hearing thereon;

Now, therefore, it is Resolved, by the Local Board of the Bay Ridge & Flatbush District, pursuant to Titles 2 and 3 of Chapter X of the Greater New York Charter, That the said petition be and the same hereby is granted; and it is hereby

Resolved, That this Board does hereby initiate proceedings for the said local improvement, to wit:

To pave Coney Island Avenue with asphalt on concrete between the brick pavement about 100 feet south of Fort Hamilton Avenue to the summit in Coney Island Avenue, between Avenue G and Avenue H, in the Borough of Brooklyn; and it is hereby

Resolved, That a copy of this resolution be transmitted forthwith to the Board of Estimate and Apportionment for its approval.

Adopted by the Local Board of the Bay Ridge & Flatbush District on the 25th day of April, 1904,

Commissioner Brackenridge and Aldermen Malone, Lundy and Hann voting in favor thereof.

Attest,

JOHN A. HEFFERNAN, Secretary.

Approved this 30th day of April, 1904.

MARTIN W. LITTLETON,
President of the Borough of Brooklyn.

"SCHEDULE F."

Statement of Financial Condition, February 29th, 1908.

Assets:

Construction & Equipment, including Real Estate.....		\$4,938,931 56
Permanent Investments:		
Capital Stock, B. C. & N. R. R. Co.....	\$1,000,000 00	
Bond & Mortgage, Coney Island Lots.....	1,175 00	
		1,001,175 00
A/cs Open and Receivable:		
DeKalb Ave. & North Beach R. R.....	28,106 10	
Brooklyn Trust Co. A/c ten cars.....	39,911 50	
Sundry Ledger A/cs.....	2,894 33	
		70,911 93
Cash and Available Assets:		
Cash in Bank & on hand.....	196,891 03	
Cash, Brooklyn Tr. Co. "Special A/c".....	179,890 00	
Material & Supplies.....	55,433 81	

April 10, 1908.]

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Cash and Available Assets:

Unused Premiums of Ins.....	8,535 83	
Prepaid Premiums & Discounts.....	624 96	
		<hr/>
		441,375 63
Loss in Operation.....		38,303 10
		<hr/>
		\$6,490,697 22

Liabilities:

Capital Stock	\$2,000,000 00
" " New Issue, 1st, 2nd, 3rd Paymts.....	.736,100 00

Funded Debt:

4% Bonds, Due 1948.....	\$2,000,000 00
4% " " 1955.....	1,500,000 00
	<hr/>
	3,500,000 00

Real Estate Bond & Mortgage:

Property, W. 5th St., Coney Isld.....	\$28,500 00
Covert Ave. Car House & Shops.....	52,000 00
Depot, Smith & Ninth Sts.....	15,000 00
Car House, Franklin Ave., near Crown St.....	5,200 00
	<hr/>
	100,700 00
Accounts payable	153,897 22
	<hr/>
	\$6,490,697 22

Dividends Paid During the Last Five (5) Years on Capital Stock (\$2,000,000).

1903, Four, 1st February, May, August & November @ 4% each.....	\$320,000 00
1904, Four, 1st February, May, August & November @ 4% each.....	320,000 00
1905, Four—	
(2) 1st Feb'y & May @ 3%.....	\$120,000 00
(2) August & November @ 2%.....	80,000 00
	<hr/>
	200,000 00
1906, Four, 1st February, May, August & November @ 2% each.....	160,000 00
1907, One, 1st February @ 2% each.....	40,000 00

Stock Held by Other Corporations, Name and Amount.

Franklin Trust Company, Brooklyn, Five hundred (500) Shares of \$100 each.
Franklin Safe Deposit Company, Bklyn., Forty-five (45) Shares of \$100 each.
New York Trust Company, N. Y. City, Three (3) Shares of \$100 each.

Cost of Construction and Equipment.

Organization & Engineering.....	\$28,554 07	
Right of way.....	59,507 05	
Track & Roadway.....	1,349,670 28	
Electric Line	238,921 74	
Buildings & Fixtures.....	754,128 11	
Real Estate	68,269 49	
Power Plant	431,717 51	
Shop Tools & Machinery.....	3,897 80	
Cars & Electric Equipment of Cars.....	1,406,552 47	
Miscellaneous Equipment	18,692 94	
Interest & Discount.....	151,270 09	
		<hr/> \$4,511,181 55
Leased Lines.		
Track & Roadway.....	\$310,814 94	
Electric Line	63,317 44	
Buildings & Fixtures.....	53,657 07	
Real Estate	5,200 00	
Power Plant	36,573 43	
		<hr/> \$469,562 88
Less sale of old cars & Matgrial.....	41,812 87	
		<hr/> 427,750 01
		<hr/> \$4,938,931 56

DESCRIPTION OF
February

Name of Road	Road From
C. I. & B. R. R. Co.....	Fulton Fy.....
	Hamilton Fy.....
N. Y. & Bklyn Bdg Extension.....	Sands St. Boro. Bklyn.....
B. C. & N. R. R. Co.....	Fulton Ferry.....
	Grand St. Fy.....
Williamsburgh Bridge.....	Roebing St. Boro. Brooklyn.....
DeKalb and North Beach R. R. Co.....	Covert Ave.....
Single Track, Main Line.....	Electric
Single Track, Branches.....	Electric
Total Single Track.....	.....
Second Track, Main Line.....	Electric
Second Track, Branches.....	Electric
Total Second Track.....	.....
Sidings and Turnouts.....	Electric
Total Sidings and Turnouts.....	.....
Grand Total, Track, Sidings and Turnouts.....	.....
Laid with Steel Rail.....	.....

Weight of Rail per yard—Steel, maxim. 90 lbs.; minimum 60 lbs.; Gauge of Track—4 ft. 8½

ROAD AND EQUIPMENT.

29, 1907.

To	Miles Owned	Miles Leased	Miles Trackage Rights	Miles No. of Miles Operated.
Coney Island.....	13.	.....	.....	13.
Sm. & 9th Sts.....	.63	.....	.....	.63
Park Row Boro. Manhattan.....	.12	.....	2.27	2.39
Ridgewood .....	.....	5.604	.....	5.604
Flatbush Ave.....	.....	4.250	.....	4.250
Delancey St. Boro. Manhattan.....	.....	2.726	.....	2.726
Metropolitan .....	.....	.532	.....	.532
.....	12.	6.136	4.996	23.132
.....	1.75	4.25	.....	6.
.....	13.75	10.386	4.996	29.132
.....	12.	5.886	.....	17.886
.....	.38	4.25	.....	4.63
.....	12.38	10.136	.....	22.516
.....	.25	1.4	.....	1.65
.....	.25	1.4	.....	1.65
.....	26.38	21.922	4.996	53.298
.....	26.38	21.922	4.995	53.298

inches. Ballasted with Stone.

Equipment.

	Motors Owned	Other than Motors	Motors Lsd.	Total Motors	Other than Motors	Weight Tons	Length Feet	Aver- age Cost	Inter- changeable Fenders
Clsd. Passgr. Cars...	179	..	10	189	..	12	36' 6"	\$2,700	189
Open " " ...	260	..	10	279	..	12	27' 6"	2,200	270
Semi-Convertible ...	10	..	..	10	..	14	39' 2"	3,525	10
Freight Cars.....	1	..	..	1	..	..	..	....	11
Service Cars.....	11	2	..	11	2	6¾	60	1,400	..
Snow Plows.....	..	..	2	2	..	11¼	27	1,200	..
Sweepers	1	..	3	4	..	11¼	27	1,600	..
Total...	462	2	25	487	2	..	..	....	481

(2)

2532

The Secretary presented a communication from William M. Laurence, Assistant Secretary of the Board of Estimate and Apportionment, transmitting the following resolution, adopted on April 3, 1908, which was ordered filed:

Resolved, That, pursuant to the provisions of section 10, chapter 4 of the Laws of 1891, as amended, and section 14 of chapter 429 of the Laws of 1907, the sum of three hundred thousand dollars (\$300,000) be and is hereby provided for the purpose of covering the requirements of the Public Service Commission of the First District, for the year 1908 (in addition to the amount heretofore authorized) and on account of the requisition of said Commission for an appropriation of \$1,095,000 duly made by the Chairman and Secretary thereof, on December 3, 1907; and that the unexpended balance of any previous appropriation made by this Board upon the requisition of said Commission or by the former Board of Rapid Transit Railroad Commissioners, be applied to the same purpose, and be it further

Resolved, That for the purpose of providing for the payment of so much thereof as is in excess of said unexpended balance, the Comptroller be and is hereby authorized and directed to issue and sell special revenue bonds of The City of New York to an amount not exceeding three hundred thousand dollars (\$300,000), redeemable from the tax levy of the year succeeding the year of their issue.

(3)

2095

The Secretary presented the following requisition of Bradley Contracting Company, together with the certificate of the Chief Engineer approving same, and voucher No. 000960, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY, OFFICE OF THE CONTRACTOR, }
68TH ST. AND NORTH RIVER
NEW YORK, April 3, 1908. }

Requisition No. 4—For work done and materials furnished under contract dated June 27th, 1907, for the construction of Pipe Galleries, Section No. 9-0-5 of the

Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 31 day of March.

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$5,707.00	\$11,891.75
Amount previously estimated.....	.....	6,184.75
Amount of present estimate.....	5,707.00	5,707.00
Deduct 10%	570.70	570.70
Requisition for amount due for work done and materials furnished during the month.....	\$5,136.30	\$5,136.30

BRADLEY CONTRACTING COMPANY,

By (Signed) FRANK BRADLEY, President,

Contractor.

Certificate No. 4—I hereby certify that the work done and materials furnished under contract dated June 27th, 1907, for the construction of Pipe Galleries Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 4 of date April 3, 1908, is made by the Bradley Contracting Company, the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Five thousand, one hundred and thirty-six dollars and thirty cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 4, and dated April 3rd, 1908, for work done and materials furnished under contract dated June 27th, 1907, for the construction of Pipe Galleries, Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 31st day of March, 1908, amounting to Five thousand, one hundred and thirty-six and 30/100 Dollars (\$5,136.30), and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition, and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

April 10, 1908.]

808

(4)

2091

The Secretary presented the following requisition of Bradley Contracting Company, together with the certificate of the Chief Engineer approving same, and voucher No. 000957, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY, OFFICE OF THE CONTRACTOR, }
68TH ST. & NORTH RIVER
NEW YORK, April 3, 1908. }

Requisition No. 7—For work done and materials furnished under contract dated June 27th, 1907, for the construction of section No. 9-0-1 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 31st day of March.

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$24,625.50	\$181,791.50
Amount previously estimated		157,166.00
Amount of present estimate.....	24,625.50	24,625.50
Deduct 10%	2,462.55	2,462.55
Requisition for amount due for work done and materials furnished during the month	\$22,162.95	\$22,162.95

BRADLEY CONTRACTING COMPANY.

By (Signed) FRANK BRADLEY, President,
Contractor.

Certificate No. 7—I hereby certify that the work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-1 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 7, of date April 3, 1908, is made by the Bradley Contracting Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Twenty-two thousand, one hundred and sixty-two dollars and ninety-five cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 7, and dated April 3rd, 1908, for work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-1 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 31st day of March, 1908, amounting to Twenty-two thousand, one hundred and sixty-two and 95/100 (\$22,162.95) Dollars, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition, and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(5)

2094

The Secretary presented the following requisition of Bradley Contracting Company, together with the certificate of the Chief Engineer approving same, and voucher No. 000958, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY, OFFICE OF THE CONTRACTOR, }
68TH ST. & NORTH RIVER
NEW YORK, April 3, 1908. }

Requisition No. 8—For work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-4 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 31 day of March:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$21,453.25	\$106,814.50
Amount previously estimated.....	.....	85,361.25
Amount of present estimate.....	21,453.25	21,453.25
Deduct 10%	2,145.33	2,145.33
Requisition for amount due for work done and materials furnished during the month.....	\$19,307.92	\$19,307.92

BRADLEY CONTRACTING COMPANY,

By (Signed) FRANK BRADLEY, Pres.,

Contractor.

Certificate No. 8—I hereby certify that the work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-4 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 8, of date April 3, 1908, is made by the Bradley Contracting Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Nineteen thousand, three hundred and seven dollars and ninety-two cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

April 10, 1908.]

810

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 8, and dated April 3rd, 1908, for work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-4 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 31st day of March, 1908, amounting to Nineteen thousand, three hundred and seven and 92/100 (\$19,307.92) Dollars, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition, and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(6)

2095

The Secretary presented the following requisition of Bradley Contracting Company, together with the certificate of the Chief Engineer approving same, and Voucher No. 000959, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY, OFFICE OF THE CONTRACTOR, }
68TH STREET & NORTH RIVER }
NEW YORK, April 3, 1908. }

Requisition No. 9—For work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 31st day of March:

	For Month.	Total.
Total to date relative to the contract value of the whole work.....	\$22,373.50	\$287,067.75
Amount previously estimated.....		264,694.25
Amount of present estimate.....	22,373.50	22,373.50
Deduct 10%	2,237.35	2,237.35
Requisition for amount due for work done and materials furnished during the month.....	\$20,136.15	\$20,136.15

BRADLEY CONTRACTING COMPANY,
By (Signed) FRANK BRADLEY, President,
Contractor.

[April 10, 1908.]

Certificate No. 9—I hereby certify that the work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 9 of date April 3, 1908, is made by the Bradley Contracting Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Twenty thousand, one hundred and thirty-six dollars and fifteen cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 9, and dated April 3rd, 1908, for work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 31st day of March, 1908, amounting to Twenty thousand, one hundred and thirty-six and 15/100 (\$20,136.15) Dollars, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition, and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(7)

2092

The Secretary presented the following communication from the Chief Engineer, and it was understood that the Chairman would transmit a formal communication to the Comptroller, in accordance with the suggestion of the Chief Engineer:

April 8, 1908.

The Honorable WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—I would respectfully call your attention to the delay in the Comptroller's Office in the removal of the buildings on the line of the Canal Street portion of the Brooklyn Loop Lines, at the Southeast corner of the Bowery and Canal Street.

April 10, 1908.]

812

On May 18, 1907, The Degnon Contracting Company made a formal request for the use of this property. Again, on October 8, 1907, said Company called the attention of the Public Service Commission to the necessity for the early removal of these buildings. On November 4, 1907, a blueprint of a sketch showing the buildings to be removed at this location was sent by the Chief Engineer of this Commission to Mr. Baldwin of the Real Estate Department of the Comptroller's office. On January 29, 1908, The Degnon Contracting Company again wrote regarding the removal of the buildings at this location.

During the early part of January, a representative from this office, in company with one from that of the Counsel, called upon Mr. Metz, who at that time promised that the necessary steps for the removal of these buildings would be taken at the earliest moment.

As no steps were taken toward the removal of the buildings, the Real Estate Bureau of the Comptroller's office was communicated with on February 20, and it was ascertained that nothing had been done.

On February 20, I wrote to the Comptroller requesting that he expedite the removal of these buildings, so that the contractors could proceed with their work.

On February 29 the matter was again taken up, and the Division Engineer in charge of the work was advised that the buildings would be sold on March 15.

No work has been done on the removal of the buildings for some time; and in view of the circumstances above stated, I think it would be desirable that a formal communication for the immediate removal of these buildings be sent by this Commission to the Comptroller, who has entire charge of the work.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

(8)

O-406

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 406).

In the Matter

of

The hearing on motion of the Commission on the question of improvements in and additions to the service and equipment of the Long Island Electric Railway Company.

Liberty Avenue Line.

It is hereby

Ordered, That a hearing be had on the 22d day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission at Number 154 Nassau Street, Borough of Manhattan, City

and State of New York, to inquire whether the regulations, equipment and appliances of the Long Island Electric Railway Company in respect to transportation of persons and property in the First District are unsafe, improper or inadequate, and whether changes, improvements and additions thereto ought reasonably to be made in the manner below set forth in order to promote the security or convenience of the public or employees, or in order to secure adequate service and facilities for the transportation of passengers and property, and if such be found to be the fact, then to determine whether a change, addition, and improvement of regulations, equipment, appliances and service of said Company, as hereinafter set forth, is such as would be just, reasonable, safe, adequate and proper and ought reasonably to be made to promote the security and convenience of the public or employees, or in order to secure adequate service or facilities for the transportation of passengers and property on its Liberty Avenue line, that is to say:

1. That the said Long Island Electric Railway Company maintain a uniform headway in the operation of cars on said line.
2. That the said Railway Company renew or replace illegible destination signs, and conspicuously display said signs.
3. That the Railway Company thoroughly clean each car every day.
4. That the said Railway Company thoroughly wash and disinfect each car every third day.
5. That the said Railway Company overhaul and repair each car so that when completed they shall be in first class condition. And if any such changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Long Island Electric Railway Company be given at least ten days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Bassett to conduct the hearing.

(9)

O-407

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 407).

Francis P. Kenney, as President of the
Highbridge Taxpayers' Alliance,

Complainant,

against

Union Railway Company, or its Receiver,
Frederick W. Whitridge,

Defendant.

Extension of Boscobel Avenue line to
the end of Washington Bridge.

Upon the complaint herein, upon which Order No. 237 was issued on or about the 4th day of February, 1908, and the answer of the Union Railway Company thereto, verified the 25th day of February, 1908, it is

Ordered, That upon the matters contained therein a hearing be had on the 22nd day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at Number 154 Nassau Street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said complainant and the said Union Railway Company and its Receiver, Frederick W. Whitridge, be given at least ten (10) days' notice of such hearing, by service upon said Francis P. Kenney, Highbridge, New York, and upon the said Union Railway Company and its Receiver, Frederick W. Whitridge, either personally or by mail, of a certified copy of this order, and that at such hearing said complainant and said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Eustis to conduct the hearing.

(10)

O-408

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 408).

In the Matter
of

The hearing on motion of the Commission
on the question of improvements in and
additions to the service of the Interbor-
ough Rapid Transit Company.

Extension of Broadway express ser-
vice to Kingsbridge, and of Broadway local
service to Dyckman Street.

It is hereby

Ordered, That a hearing be had on the 22d day of April, 1908, at 11:00 o'clock in the forenoon, or at any time or times to which the same may be adjourned, at the

rooms of the Commission at Number 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment, appliances or service of the Interborough Rapid Transit Company in respect to the transportation of passengers upon its Broadway Line of the Subway Division within the First District, are unreasonable, improper or inadequate, and whether changes, improvements and additions thereto ought reasonably to be made in the manner below set forth in order to promote the security and convenience of the public, or in order to secure adequate service and facilities for the transportation of passengers, and if such be found to be the fact, then to determine whether a change, addition and improvement in regulations, practices, equipment, appliances and service of said company as hereinafter set forth are such as will be just, reasonable, adequate, and proper and ought reasonably to be made to accommodate the passenger traffic offered to it and to promote the convenience of the public, or in order to secure adequate service or facilities for the transportation of passengers, that is to say:

Whether the following changes, additions and regulations should be put into effect:

(1) Whether all express trains upon the Broadway line of the Subway Division of said Interborough Rapid Transit Company now running only as far as Dyckman Street should be made to run through to Kingsbridge Station, at 230th Street;

(2) Whether all local trains upon the Broadway line of the Subway Division of said Company now running only as far as the 137th Street station upon said line, should be made to run through to Dyckman Street.

And if any such regulations, changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine the details of such changes, improvements and additions and to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Interborough Rapid Transit Railroad Company be given at least ten days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Eustis to conduct the hearing.

April 10, 1908.]

816

(11)

O-409

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 409).

Board of Aldermen, Complainants,

vs.

Interborough Rapid Transit Company,
Defendant.

Additional Stairway at the 89th Street
Station of the Third Avenue Elevated
Road.

After Complaint Order No. 362, dated
March 24, 1908 and the answer thereto,
dated March 31, 1908.

Upon the complaint herein, upon which Complaint Order No. 362 was issued, on or about the 24th day of March, 1908, and the answer of the Interborough Rapid Transit Company thereto, dated March 31, 1908, it is

Ordered, That upon the matters contained therein, a hearing be had on the 20th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau Street, in the Borough of Manhattan, City and State of New York, to the end that the Commission may make such order or orders in the premises as shall be just and reasonable. It is

Further Ordered, That the said complainants and the said Interborough Rapid Transit Company be given at least five (5) days' notice of such hearing by service upon said Board of Aldermen, complainants, and upon said Interborough Rapid Transit Company, defendant, either personally or by mail, of a certified copy of this order and that at such hearing said complainants and said Company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Eustis to conduct the hearing.

(12)

O-410

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 410).

In the Matter
of

The hearing on motion of the Commission
as to the regulations, practices, equip-
ment and service of the Interborough
Rapid Transit Company.
Additional stairway at 161st Street station
on the Third Avenue Elevated Road.

It is hereby

Ordered, That a hearing be had on the 23rd day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at Number 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment, appliances or service of said Company, upon and near its line on and along Third Avenue, in the Borough of the Bronx, at its 161st Street station on said line, in respect to the transportation of persons, freight, or property within the State, are unjust, unreasonable, unsafe, improper or inadequate, and if it be so found, then to determine whether changes in said regulations, practices, equipment, appliances or service in the particulars following, at the place or places herein mentioned, would be just, reasonable, safe, adequate and proper, and whether such changes shall be put in force, observed and used on the line of said Company, and also to inquire and determine whether repairs, improvements, changes or additions to or in the tracks, switches, terminals, terminal facilities or other property or device used by said Company in the particulars following, ought reasonably to be made in order to promote the security or convenience of the public or employees or in order to secure adequate facilities for the transportation of passengers, freight or property, namely:—

Whether said Interborough Rapid Transit Company should be directed to extend to the east the mezzanine at the south end of the 161st Street station on its Third Avenue Elevated line, and construct and maintain two stairways leading from said mezzanine to the street surface,—one running south and the other north.

Whether said Company should be directed to make other changes in its property, equipment or appliances, or in its regulations, practices and service upon said line at 161st Street station.

And if such changes, improvements and additions, be such as ought to be made as aforesaid, then to determine the extent thereof and what period would be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Interborough Rapid Transit Company be given at least ten (10) days' notice of such hearing by service upon it, either personally

or by mail, of a certified copy of this order, and that at such hearing said Company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters hereinbefore set forth.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Eustis to conduct the hearing.

(13)

O-411

Commissioner Bassett moved the adoption of the following extension order, which was duly seconded:

EXTENSION ORDER (No. 411).

In the Matter

of

The Complaint of E. Alexander Williams,
Stephen F. Barrera, David H. Bailey,
and one hundred and ninety-seven (197)
others,

Complainants,

against

South Brooklyn Railway Company, De-
fendant.

Order No. 411, extending the time within which the Defendant may answer Complaint Order No. 272, as to extension of service on right of way of the New York and Coney Island Railroad Company to West Thirty-seventh Street, to and including May 11, 1908, was approved, confirmed and ordered filed in the office of the Commission.

(14)

O-412

Commissioner Bassett moved the adoption of the following dismissal order, which was duly seconded:

DISMISSAL ORDER (No. 412).

H. B. Corwin,

Complainant,

against

New York Central and Hudson River
Railroad Company,
Defendant.

Order No. 412, dismissing proceedings upon Complaint Order No. 284, as to the condition of tracks and crossings at yards at 30th Street, on the west side of Tenth Avenue, there having been no appearances for or on behalf of the Complainant at the hearing held pursuant to said Order No. 284, was approved, confirmed and ordered filed in the office of the Commission.

(15)

2132

The Secretary presented resolutions of the Third Assembly District Organization of the Independence League in the County of Queens, asking that the work of constructing subways by sections be commenced by the City at once, which were ordered filed.

(16)

2919

The Secretary presented a communication from the West Side Taxpayers' Association, requesting the Commission and other officials to make every effort for the immediate construction of the Broadway-Lexington Avenue subway route; expressing the opinion that this route was more needed than the Brooklyn route, because of the insufficiency of the present transit facilities in Manhattan and The Bronx. The letter was ordered filed.

(17)

2919

The Secretary presented a communication from the Civic League of the Bronx, transmitting resolutions urging the Commission to modify the Lexington Avenue subway route at East 138th Street and Bronx Park, so as to follow 5-B of the Lexington Avenue route as adopted by the Rapid Transit Commission, as far as 138th Street, and to locate a station south of the point of divergence, for the sake of greater convenience to passengers. The resolutions were ordered filed.

(18)

2139

The Secretary presented a communication from the 28th Ward (Brooklyn) Taxpayers' Association, expressing its disappointment because of the lack of progress on the Broadway-Lafayette Avenue subway route; stating that that route was the key to the whole subway problem, and the best way to relieve the Brooklyn Bridge and make use of the Williamsburg Bridge and asking favorable action on that route. The letter was referred to the Committee on the Brooklyn Loop Lines.

(19)

2204

The Secretary presented a communication from the Central Federated Union, protesting against the amending of the Elsborg Law to increase the terms of franchises, which was ordered filed.

(20)

2139

The Secretary presented a communication from the Broadway (Brooklyn) Board of Trade, with regard to the Broadway-Lafayette Avenue subway route, expressing the opinion that it would be little short of a crime to permit the consents of property owners to lapse; that no other contemplated subway would relieve the Brooklyn Bridge crush as would this one; and that it was the paramount duty of the officials to adopt this route and so do away with the Bridge congestion; and requesting the Commission to give a definite answer with regard to the action contemplated as to this line of subway. The letter was referred to the Committee on the Brooklyn Loop Lines.

(21)

O-343-A

On behalf of the Committee of the Whole, the Secretary presented the following order, and it was moved and duly seconded that the same be adopted by the Commission:

ORDER (No. 343-A).

In the Matter
of

The application of the Interborough Rapid
Transit Company for permission to make
changes in the signal system.

Whereas, Application was heretofore made by the Interborough Rapid Transit Company for permission to make certain changes in the signal system at or near the express stations on the express tracks in the Subway, as shown on certain drawings marked "D-277," "D-285," submitted by said company; and

Whereas, Said plans were examined by the engineers of the Commission and approved by them with certain modifications set forth in a certain report dated January 18, 1908, entitled "The Subway Signal System," made by Bion J. Arnold, one of said engineers; and

Whereas, Thereafter on the 13th day of March, 1908, a resolution known as Order No. 343 was duly adopted by the Commission granting the said application and authorizing said changes as therein provided; and

Whereas, Said company desires to have such a resolution modified or amended, as hereinafter provided, in order that the terms thereof may be made more definite and certain, and the said Bion J. Arnold approves of such modification or amendment, now therefore it is

Resolved, That said resolution of the 13th day of March, 1908, known as Order No. 343, be and the same hereby is modified or amended so as to read as follows:

"Resolved, That the said application of the Interborough Rapid Transit Company be and the same hereby is, approved and granted as follows:—that said Company is hereby authorized to make said changes in said signal system on express tracks Nos. 1 and 3 at 96th Street, and Nos. 2 and 3 at 72nd Street, Grand Central, 14th Street, and Brooklyn Bridge, in the manner shown on Interborough Rapid Transit Company's drawing D-285, marked Grand Central Station, and shown as Figure 2 in the report of said Arnold; and it is further

Resolved, That said Company proceed forthwith, to the best of its ability, to develop and put into experimental operation, subject at all times to the inspection of the engineers of the Commission, an automatic speed control signal device, intended to accomplish the results set forth in recommendation No. 1 of the report of said Arnold as fully described in said report."

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

3342, 3339

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service lists, for thirty days:

Name.	Position.	Salary.	To Take Effect.
Vincent Ferri	Engineering draughtsman..	\$4.50 per diem	April 8, 1908
Arthur F. Frost.....	Bridge Designer.....	150 per month	April 8, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

The Secretary presented the following vouchers, the bills of which have been duly approved by Commissioner Bassett, as Committee on Audit for the month of April, whereupon, on motion duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of the City of New York for payment.

Voucher No.	In Favor of.	Services or Material.	Amount.
932	Wm. T. Baker.....	Candles, Bills March 12, 28, 1908.....	\$60.00
933	Richard J. Brophy.....	Stenographic work, Bill February 11, 1908.....	36.10
934	C. G. Burgoyne.....	Printing, Bill March 13, 1908.....	20.45
935	Chambers Printing Co.....	Printing, etc., Bills Mar. 9, 10, 13, 17, 21, 1908..	338.25
936	George Damon & Sons.....	Engineering supplies, Bill March 10, 1908.....	20.00
937	A. B. Dick & Co.....	Stationery, Bill March 30, 1908.....	19.13
938	Dixie Book Shop.....	Books, etc. Bills March 26, 27, 1908.....	9.50
939	Fowler Mfg. Co.....	Toilet service, month Feb. Bill Feb. 29, 1908.....	20.13
940	H. A. D. Hollmann, Auditor	Disbursements account of contingent fund to March 31, 1908.....	490.78
941	Keuffel & Esser Co.....	Engineering supplies, Bills Feb. 27, March 3, 4 (2), 11, 12 (2), 18 (2), 20 (4), 21, 27 (3), 30, 1908.	197.23
942	Koller & Smith.....	Furniture, Bill March 24, 1908.....	25.00
943	John H. McCullagh & Sons..	Furniture, Bill March 24, 1908.....	651.00
944	National Press Intelligence Co.	Press clippings, Sept. 15, 1907 to Feb. 29, 1908 Bill Feb. 29, 1908.....	55.00
945	New York Blue Print Paper Co.....	Blue prints, Bills Mar. 23, 24 (2), Apr. 1, 1908..	100.46
946	New York Stencil Wks.....	Sign, Bill Feb. 29, 1908.....	10.00
947	August R. Ohman & Co.....	Maps, Bill Mar. 31, 1908.....	20.00
948	John Polhemus Printing Co.	Printing, Bill March 9, 1908.....	85.83
949	The J. W. Pratt Co.....	Stationery, Bills Oct. 29, 1907-Feb. 15, March 9, 21, 1908.....	164.92

Voucher No.	In Favor of.	Services or Material.	Amount.
950	G. E. Stechert & Co.....	Books and periodicals, Bill March 28, 1908.....	108.14
951	Title Insurance Co. of New York	Searching for names of property owners, Bill March 17, 1908.....	47.50
952	Tower Mfg. & Novelty Co...	Stationery, Bills Oct. 15, 1907, Jan. 2, Feb. 25, 28, Mar. 6, 20, 21, 25 (2), 1908.....	205.95
953	The Tribune Association....	Rent, Tribune Bldg. mon. Mar. Bill March 2, 1908.....	3,315.92
954	A. Weeks-Hoskins Co.....	Stationery and Furniture, Bills Feb. 14, Mar. 23 (2), 1908.....	185.00
955	C. G. Willoughby.....	Photographic supplies Jan. 3 1908.....	43.48
961	Edwin A. Kunze.....	Professional services as architectural draughtsman, Jan. 20 to Mar. 4, 1908, Bill Apr. 6, 1908....	252.67
Total.....			\$6,462.44
956	Lawyers Title Insurance and Trust Co.....	Examination and insurance of title to premises 402 Broome St. Borough of Manhattan, Brooklyn Loop Lines, Construction (Section 9-0-4).....	\$187.50
957	Bradley Contracting Company	Brooklyn Loop Lines—Section 9-0-1, work and materials to March 31, 1908.....	\$22,162.95
958	Bradley Contracting Company	Brooklyn Loop Lines—Section 9-0-4, work and materials to March 31, 1908.....	19,307.92
959	Bradley Contracting Company	Brooklyn Loop Lines—Section 9-0-5, work and materials to March 31, 1908.....	20,136.15
960	Bradley Contracting Company	Brooklyn Loop Lines—Section 9-0-5, Pipe galleries to March 31, 1908.....	5,136.30
Total.....			\$66,743.32
The following payrolls were approved by Chairman Willcox:			
928	Gas meter testers.....	Week ending April 1, 1908.....	\$174.00
929	Inspectors of masonry.....	Week ending April 1, 1908.....	1,453.05
930	Office staff.....	Supplementary roll, Month ending March 31, 1908	3.23
931	Law department	Supplementary roll, Month ending March 31, 1908	3.23
962	Gas meter testers.....	Week ending Mar. 8, 1908.....	54.00
963	Inspectors of masonry.....	Week ending Mar. 8, 1908.....	1,499.92
Total.....			\$3,187.43

(24)

2090

The Committee of the Whole recommended the passage of the following, which was adopted:

Resolved, That the Chief Engineer be and hereby is instructed to report as soon as practicable the most desirable route for the extension of the subway loop—so-called—under the East River to Brooklyn, and connections.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(25)

2090

The Committee of the Whole recommended the adoption of the following resolution:

Resolved, That the Chief Engineer be directed to proceed with the preparation of detailed plans for the Broadway portion of the Brooklyn loop lines.

Commissioner Bassett—"In moving this resolution, I desire to say:

"The Committee of the Whole in reporting this resolution which directs the preparation of detailed plans for the Broadway portion of the Brooklyn loop lines does not wish to be understood as abandoning the Lafayette Avenue portion. The Commission and its Chief Engineer desire to give further consideration to the Lafayette Avenue portion and its connections. The Broadway portion can be used in conjunction with the Manhattan portion of the Brooklyn loop lines and for a time at least independently of the Lafayette Avenue portion."

Chairman Willcox—"I fully subscribe to what Mr. Bassett has said in introducing the resolution."

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(26)

2024

Commissioner Maltbie presented the following report, which, on motion, duly seconded, was approved:

REPORT UPON ACCOUNTING SYSTEM.

To the Public Service Commission for the First District:

SIRS—Soon after the Commission took office, it was found that the system of accounts used by the Rapid Transit Commission would need to be altered and extended considerably to adapt it to the needs of the Public Service Commission with its much larger field of work and its varied activities. As the Committee to whom the matter was referred, I beg to submit the following report:

Upon recommendation, the Commission authorized the employment of Mr. J. R. MacNeille, of the Investors' Agency, to go over the system of accounts used by the Rapid Transit Commission, to examine the organization created by the Commission, to examine the Public Service Commissions Law and to prepare a system of accounts, forms of books, vouchers and other necessary papers and such instructions for the handling of the financial affairs of the Commission as would be in conformity with the best modern accounting practice. The importance of having as simple a system of accounts as could be devised so that any citizen might easily ascertain how the money was being spent was emphasized.

Mr. MacNeille has prepared and submitted five reports upon different phases of the subject, which I transmit herewith. The blank forms and books necessary for the accounting work have been prepared, have been approved by me and are now in use.

The accounts of the Commission have been kept upon the new plan since January 1st of this year and the detailed instructions to the auditor of the Commission and his assistants have just been approved. With these in force the same classification and methods will be followed from year to year regardless of the changes that may occur in the personnel, and the annual report will contain a statement of receipts and expenditures in such a form that any citizen may ascertain the sources of all income and the purposes for which the money appropriated by the city has been expended.

Respectfully submitted,

(Signed) MILO R. MALTBIE, Commissioner.

(27)

O-205

Commissioner Maltbie presented the following report, which, on motion, duly seconded, was approved:

April 1st, 1908.

PRELIMINARY REPORT UPON "BREAKDOWN SERVICE"

To the Public Service Commission for the First District:

SIRS—Having completed for the moment the consideration of "breakdown service" in the investigation of the electric light companies and having obtained from the New York Edison Company concessions of great benefit and financial value to consumers, I submit the following preliminary report pending the completion of the entire investigation.

TERM DEFINED.

The term, "breakdown service," has such a technical meaning, that a few words of explanation are necessary. Narrowly defined, it is the service which an electricity supply company renders when it provides a "connection" between its system and the installation of a consumer having his own electric plant, and agrees to stand ready to supply such consumer with current whenever his plant actually breaks down in whole or in part. As currently used, however, the term includes two other kinds of service: first, the service rendered by the supply company to the owners of private plants (both readiness-to-serve and current) during nights, Sundays, holidays and perhaps longer periods when only a small amount of current relatively is demanded; second, a like service rendered by the supply company to owners of private plants during the peak period of the day—usually about five P. M.—when the consumption of current reaches its maximum for the day. These two classes of service are quite different and distinct from pure breakdown service; they are really auxiliary service; but in common usage the three classes are included in the single term "breakdown service." This is largely due to the difficulty of separating any one class from the others in practice; for if a service connection is provided, the consumer has it within his power to take current at any time for any purpose. It has been suggested that the switch might be locked and thus placed under the control of the supply company, but this would involve so great delay in securing the current

when needed and would impose such a burden upon the supply company, that it has not been considered practicable.

It should be understood that the term "breakdown" does not apply to the service furnished by the supply company to any part of a building or plant, even though there may be a private electric plant upon the premises which is used to provide current for the remainder of the building or plant, where the part thus supplied is so entirely distinct and separate that it cannot be connected in any way with the private plant. In other words, if a circuit is "segregated" and cannot be supplied from any other source, it is not a part of the breakdown system, and *all of the companies have stated that they have been and are willing to supply current to segregated circuits at the usual rates.*

CHARACTER OF THE SERVICE.

Although it has not yet been found practicable to design a connection of such a character as to differentiate automatically any one of the three classes of service from the others, they are in theory quite different and distinct. In order to provide a pure break down service, a supply company must provide merely the distribution system and the service connections for the maximum load to be demanded at any one time and such apparatus in the generating and sub-stations as would be equivalent to the private plants disabled at any one moment. In other words, as plants very seldom break down, it would not be necessary for the supply company to duplicate the total installations of the private plants, but merely such a portion as would be out of use at any one moment. Such service partakes of the nature of insurance, and if statistics were available to show with what frequency plants break down and how long they remain out of use, just as the insurance companies have mortality statistics extending over many decades, it would be comparatively easy to determine a reasonable charge for this kind of service and to what extent it would impose a burden upon the supply company. It is probable, in view of the comparative infrequency of complete disability, that the actual demands made upon the supply company would be very few and would not involve great expense either in the way of fixed charges upon the duplicate plant kept ready for use or in the way of operating charges for units revolving slowly.

To supply the second class of consumers—those using current nights, Sundays, holidays and during periods when a small amount of current is used as compared with the total installations—the supply company would need to provide, as in the first case, the necessary service connections and distribution lines for each user. But as current would be demanded when the stations of the company would otherwise not be operated at their maximum capacity, it would not be necessary to provide station equipment specifically for this service. It might be necessary to keep certain units revolving slowly, but in this respect the service would not differ from the ordinary service where there must be constant readiness to serve somewhat in excess of the demand at that moment. Service of this character would be quite desirable

from the standpoint of the supply company, and if "breakdown" users would restrict their auxiliary use to these periods, advantageous terms could be offered by the companies. What the exact rate should be would depend upon the amount of such use and the precise hours of the day and times of the year when it is demanded.

The third kind of service is the most expensive of all, for if no restrictions were placed upon the amount of current consumed or the time of its use, "breakdown" consumers could easily so plan their equipment that they would have sufficient capacity to supply all the current required except during the peak hours of the day. When the peak load began to come on, the "breakdown" user could take sufficient current from the supply company to handle this peak, breaking the connection when the peak was passed and the consumption became normal again. Inasmuch as the peak period for the breakdown consumer is apt to be the peak period for the supply company, this would mean that the supply company would be called upon for a considerable amount of current during a short period when the demands of the ordinary consumers are at their height. Thus the supply company would be obliged to maintain a considerable plant during the whole day in order to supply the breakdown consumer during one or two hours and to carry the surplus plant throughout the year in order to handle the winter maximum due to the short period of daylight and cloudy weather. Such service is expensive from the point of view of the company, because of the heavy fixed charges covering the whole year. It is also very beneficial to the consumer, because it enables him to provide a smaller plant than would otherwise be necessary and because it permits him to shift the most expensive part of his load upon the supply company. But here, again, the exact amount which should be charged for such service would depend upon the time and the extent of the use.

OBJECTIONS BY COMPANIES.

Various objections to breakdown service have been urged by the companies. They claim that if many private plants were to demand it and were to switch on suddenly, the maintenance of the proper voltage would be difficult. The evidence taken does not show that there have been such cases, and this objection does not appeal to me as having much weight. If the companies can maintain pressure in the face of the sudden storms which sweep over the city in the summer, they ought to be able to provide for the demands of auxiliary service which can be more or less foreseen.

A more serious difficulty would arise if there were a long continued coal strike, during which the price of coal would be so greatly advanced that private plants would find it cheaper to shut down entirely and take their current from the supply companies at the usual rates. In such cases it might be a serious hardship to require the companies to accept every person who applied for breakdown service without regard to the unusual conditions that had arisen. But such a situation would be most unusual, rarely occurs and would have to be dealt with in a special manner. In my opinion, it would not be proper to allow this unusual condition to prevent the provision of breakdown service under ordinary circumstances.

There are also several other objections of a technical nature, but the evidence shows that devices have been invented which will obviate these difficulties and render them of no serious importance.

It has been claimed also that it is not fair, even if practically possible, to ask the supply companies to furnish current to private plants, their competitors, when it becomes disadvantageous for these competitors to supply it themselves, any more than it would be fair to permit one express company to take the more profitable business and to compel a competitor to do that portion of its business which was conducted at a loss. The analogy is not sound, and the argument is fallacious. The requirement that breakdown service be supplied does not imply that one supply company shall provide current for another company at less than a fair price. Further, the private electric plants are not competitors, for they do not distribute current beyond their own premises. They cannot combine their plants and thus be of mutual assistance in case of disability, for by so doing they would be compelled to use the streets for their wires, and to do so would require a franchise and subject them to public regulation and control. It is not considered proper for a railroad company to refuse to carry a passenger during stormy weather merely because he uses his automobile or walks during fair weather or when he wishes to go only a short distance; neither does it seem fair for an electric supply company, which is also quasi-public, to refuse to supply an individual merely because he produces a portion of the current which he consumes. The electric companies have been given the use of public property; their wires are in the streets; they have many rights and privileges which the ordinary individual does not possess. It seems but fair, therefore, that they should also undertake to perform the obligations which go with these privileges, and one of these fundamental duties is to supply current to every one who desires it and who pays a fair price.

It should not be assumed that breakdown service or any special kind of service must of necessity be supplied at the same rate at which other service of a different character and of a different cost is supplied. It may be that such special service as we are now considering should be supplied at a different rate from that charged for current under ordinary circumstances; but, *assuming that the rate is fair, that a reasonable profit is allowed to the company thereon, it is, in my opinion, the duty of the supply companies to provide breakdown service under ordinary circumstances.*

RATES OF CHARGE.

Applications for breakdown service have been made of only three companies in Greater New York. The United Electric Light and Power Company has but one consumer and no others have applied. The Brooklyn Edison Company has 10 consumers and has supplied every applicant. The New York Edison Company has 122 connections and is the only one that has refused of late years to give breakdown service; but it is also the only company where the service seems likely to become of such importance as to make it at all serious. Prior to the summer of 1905, when the act of the Legislature fixing the maximum price for current supplied in Manhattan at 10 cents

per kilowatt hour took effect, the New York Edison Company supplied breakdown service to every applicant. The first application made after the new law took effect was rejected, and from that time until the Public Service Commission was created, the company refused to supply breakdown service, except to those who already had contracts.

This change in policy was productive naturally of many complaints, and the situation was finally brought to the attention of the Commission of Gas and Electricity. But prior to July 1st, 1907, no action had been taken, although much consideration had been given to the subject. The complaints were renewed before this Commission last fall, and the Edison Company was urged to resume its former practice. To this the company objected, but after considerable discussion and much urging, the Edison Company submitted a proposal to the Commission in which they offered to furnish breakdown service, but insisted upon a higher rate of charge than formerly. The contracts which had been made had provided in most instances that the consumer should guarantee to pay a certain amount annually, ranging from \$10. per kilowatt of *installation*, under an agreement to use current during certain hours of the day only, to \$30. per kilowatt of *maximum demand* with unrestricted use. If the consumer did not use sufficient current at the ordinary rates to equal the guarantee, he agreed to pay the guarantee; but if the amount consumed at the usual rates exceeded the amount guaranteed, the guarantee had no effect of course. The rates which the Edison Company gave in their original proposal to the Commission provided for a minimum charge or guarantee of \$30. per kilowatt of *installation*, which was a marked increase over the rates in the old contracts. As a result, the individual who had lamps, motors and apparatus of a total capacity of 100 kilowatts, say, would be obliged to guarantee an annual payment of \$3,000, no matter what amount of current he consumed and no matter whether he used only 20 or 30 kilowatts at any one time. As the total installation of any building or plant is seldom all in use at the same moment, and as the average amount of use has been variously estimated from 30 to 60 per cent. of the total installation, it is evident that *a charge based upon installation and not upon maximum demand would generally be unjust.*

INFORMATION INSUFFICIENT.

In the conferences held from time to time with the present and prospective users of breakdown service, the general opinion seemed to be that the charge was prohibitive in most cases and that few could afford to take the service at such a figure. As the Edison Company insisted that it was reasonable, an attempt was made in the investigation to secure sufficient evidence to determine the facts, but it was found that sufficient data were not available. For one should know not merely the ordinary operating costs and fixed charges, but also the frequency with which private plants break down, the amount of current demanded by them and the hours at which it is used. For example, if it were necessary for the supply company to provide plant and equipment for 60 per cent. of the connected load, the rate would be practically double what it would need to

be if only 30 per cent should be provided. Again, if breakdown consumers generally use current at the time of peak load, the charge should in fairness be much higher than if the current is consumed during the hours when the generating plant is running on a light load.

Neither the Edison Company nor any of the engineers with whom I consulted were able to state definitely what the conditions had been or were likely to be. The New York and Brooklyn Edison Companies submitted certain calculations to support the rates charged, but they were so vague and indefinite that they were most unsatisfactory. The rates have been fixed more or less arbitrarily without a knowledge of the exact facts and of the various elements which determine the cost. To secure the information desirable it would be advisable to place recording instruments on every breakdown connection and to take records for nearly a year, or at least through the coming summer and the following winter, thereby obtaining the facts as to the extremes which a supply company must provide for. Although this will involve considerable expense, the Edison Company has agreed to provide the apparatus and to take readings under the supervision and direction, if necessary, of the Commission. *As a satisfactory decision of the rate question cannot be made until these records are taken, I recommend that the work be carried out and that the Electrical Engineer of the Commission be instructed to supervise it.*

The method of charging for breakdown service has also been considered. Many consumers have expressed their preference for a plan whereby a certain amount would be paid for each kilowatt hour of current used and another amount for each kilowatt of maximum demand, the latter as a "readiness-to-serve" charge to cover the cost of installing a connection, of providing sufficient plant and equipment to meet the demand and of being ready to supply current the instant the consumer wishes it. Here, again, sufficient data were not available to determine whether such an arrangement would be more satisfactory than the minimum guarantee plan and what the relation should be between the "readiness-to-serve" charge and the current rate. *Consequently, I do not recommend that a change be made at present in the method of charge now in vogue but that a decision be postponed until accurate records have been obtained.*

METHOD OF CHARGE.

The general opinion of the consumers, present and prospective, who appeared at the conferences, was that if the Edison Company would recede from its original demand that the guarantee should be based on installation and would accept maximum demand as the base, so that each consumer might determine for himself the amount of service he needed irrespective of installation, and if the Edison Company would agree to take service records under the supervision of the Commission, they would be satisfied to have a final determination of the question of rates and methods of charging go over until the necessary information has been obtained. This suggestion I laid before the Edison Company and urged that it be acceded to. As a result, the company submitted a new proposition (appended hereto) leaving the guarantee practically as originally

suggested, but basing it upon maximum demand and allowing the consumer to state his maximum demand. This will mean a large reduction in the guarantee to be given, for if the amount of use at any one moment or at the moment when the consumer wishes to take advantage of the breakdown service does not exceed 30 per cent of the total installation, the guarantee under the new proposition will be only 30 per cent of the guarantee under the original offer of the company.

Take a case which is illustrative, although somewhat unusual, of a consumer who appeared before me: His total installation has a capacity of 70 kilowatts. He never has used, he stated, at any one time more than 14 or 15 kilowatts. Under the original proposal of the New York Edison Company, he would have been obliged to give a guarantee of \$2,100 per year. Under the revised plan he will guarantee only a consumption of \$420 or \$450—a difference of over \$1,650 per annum.

On the other hand, the Edison Company will be protected by a switch specially designed, which will prevent the consumer from using a greater amount of current than he has agreed to pay for, and yet the company will not be required to provide greater facilities than the consumers have demanded and for which they will pay.

To summarize the results so far obtained, they are:

- (1) *The New York Edison Company will furnish breakdown service to any owner of a private plant who applies for it.*
- (2) *The use of current need not be restricted to certain hours or certain purposes; it may be taken at any time and for any purpose, thereby obtaining not only pure breakdown service but auxiliary service as well.*
- (3) *The consumer may specify the maximum amount of current to be taken at any one moment, regardless of his installation.*
- (4) *The guarantee will be computed not upon installation but upon maximum demand.*
- (5) *The company will place recording devices upon every breakdown connection and take the records under the supervision of the Commission for the purpose of determining a fair charge for service.*

These beneficial results illustrate what may be accomplished under an effective system of public regulation and control.

Respectfully submitted,

(Signed) MILO R. MALTBY,
Commissioner.

MEMORANDUM RE BREAKDOWN SERVICE SUBMITTED BY THE NEW YORK EDISON COMPANY
MARCH, 1908.

It is understood that breakdown connections shall be furnished to any applicant operating a private plant on the following basis:

- (a) A service charge of \$30.00 including the supply of electric current at the best rate of the class will be made for each kilowatt of maximum demand for which

the customer may make written request to the Company and which maximum demand is to be the basis of a year's contract.

(b) The maximum demand for which the customer contracts will be controlled by a special "limit service" switch, which will be adjusted so as to allow the customer to use up to the capacity for which he specifically contracts.

(c) It is understood that the load for which a customer contracts will be approximately a "balanced load", that is the load will be taken in approximately equal quantities from each side of the three-wire system.

(d) For each installation of a breakdown or reserve service of a capacity less than ten kilowatts of maximum demand, there will be a charge made of \$75.00 for introducing the special "limit switch" and other protecting devices.

(e) In all instances the customer is to provide incandescent lamps for the original installation and renewals and carbons and trimming and for the maintenance of any arc lamps. The Company assumes no responsibility for the installation. It is understood that an allowance is made offsetting the supply of incandescent and arc lamps under each of the wholesale forms of contract; where service is taken under the retain contract, a special reduction of one cent per kilowatt hour will be made in view of the customer relieving the Company of the supply and care of incandescent lamps or arc lamps.

(f) The above does not refer to any installation or part of an installation permanently segregated from the private plant and connecting directly and permanently with the service of the Company. Such installation may be supplied under direct contract at the best rates obtainable by any other consumer under like conditions, using an equal amount of current.

N. B.—This rate is made experimentally with the privilege of withdrawing the rate if after one year it is found to be unsatisfactory.

(28)

O-368

Commissioner Eustis moved the adoption of the following resolution, which was duly seconded:

Resolved, That notice of the hearing before the Commission on the question of the adequacy of the service of the Union Railway Company on its line on the Fort Schuyler Road, from Westchester Village to the Eastern Boulevard, and on the question as to whether said Company should be directed to double track said line on said road, and on the question as to whether said company should be directed to run cars of the Westchester Avenue line or the Tremont Avenue line through Fort Schuyler Road to the Eastern Boulevard without change at Westchester Village, and on the question as to whether said Company should be directed to extend the tracks of said line along the Eastern Boulevard from the present terminus of said line on Fort Schuyler Road to Pelham Bay Park, be given to Frederick W. Whitridge, as Receiver of said Union Railway Company; that said notice contain a specification of

April 10, 1908.]

832

the objects of the hearing and that it be given at least three (3) days prior to the hearing and so that the Receiver may attend and examine and cross-examine any and all witnesses and present to the Commission such information and testimony as he may desire.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, APRIL 14, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Commissioner William McCarroll, Acting Chairman; Commissioners Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for April 7, 1908, as printed in the CITY RECORD for April 11, 1908, and of the proceedings for April 10, 1908, as printed in the CITY RECORD for April 14, 1908, was approved.

(2)

O-291

The Secretary presented a second resolution, adopted by the Board of Aldermen on April 7, 1908, and transmitted to the Commission, with regard to an additional stairway at the uptown subway station at 145th Street and Broadway, which was ordered acknowledged and filed.

(3)

C-1846

The Secretary presented the following resolution, adopted by the Board of Aldermen on April 7, 1908, and transmitted to the Commission, which was referred to Commissioner Bassett:

Resolved, That the Public Service Commission for the First District be and hereby is requested to investigate the conditions under which the cars of the Metropolitan avenue division of the Brooklyn Rapid Transit Railroad Company are operated, with the further request that the said company be compelled to operate cars at shorter intervals than now employed.

(4)

2532, 2063

The Secretary presented the following notices of deposit from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which were ordered filed:

DEAR SIR—I beg to advise you that on April 1st, 1908, the sum of Five Thousand Dollars (\$5,000.00) was deposited to the credit of Revenue Bond Fund—For Public

(27)

[Form 2023]

[1 M (B)]

April 14, 1908.]

834

Service Commission for the First District, New York, Expenses of. Authorized December 20th, 1907, pursuant to the provisions of Section 10 Chapter 4 Laws of 1891 as amended by Section 14 Chapter 429 Laws of 1907.

DEAR SIR—I beg to advise you that on April 1, 1908, the sum of Eighty-one Thousand Six Hundred and Fifty-one and 00/100 Dollars, (\$81,651.00) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan, (Sub-Title No. 1). Authorized April 19, 1907, pursuant to the provisions of Section 37 Chapter 4 Laws of 1891 as amended.

Principal	\$80,000.00
Premium	1,651.00

DEAR SIR—I beg to advise you that on April 7, 1908, the sum of Four Hundred and Fifty-eight Thousand Two Hundred and Sixty-six and 22/100 Dollars, (\$458,266.22) was deposited to the credit of Rapid Transit Construction Fund—Manhattan-Bronx. Authorized March 31, 1905, pursuant to the provisions of Chapter 4 Laws of 1891 as amended by Chapter 7 Laws of 1900 and Sections 45, 169 and 170 of the Greater New York Charter as amended.

Principal	\$449,000.00
Premium	\$9,266.22

DEAR SIR—I beg to advise you that on April 7, 1907, the sum of Seventy-three Thousand and Fourteen and 31/100 Dollars, (\$73,014.31) was deposited to the credit of Rapid Transit Construction Fund—Manhattan-Bronx. Authorized March 31, 1905, pursuant to the provisions of Chapter 4 Laws of 1891 as amended by Chapter 7 Laws of 1900 and Sections 45, 169 and 170 of the Greater New York Charter as amended.

Principal	\$70,000.00
Premium	3,014.31

DEAR SIR—I beg to advise you that on April 1, 1908, the sum of Fifty-six Thousand One Hundred and Thirty-five and 06/100 Dollars, (\$56,135.06) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan, (Sub-Title No. 2). Authorized May 24, 1907, pursuant to the provisions of Section 37 Chapter 4 Laws of 1891 as amended.

Principal	\$55,000.00
Premium	1,135.06

(5)

O-413

Commissioner Bassett presented the following complaint order:

COMPLAINT ORDER (No. 413).

Brooklyn League, by John B. Creighton,
Secretary, Complainant,

against

Brooklyn Union Elevated Railroad Com-
pany, Defendant.

Order No. 413, for satisfaction or answer within ten (10) days, as to passageway and transfer from Fulton Street elevated to Fifth Avenue elevated at Flatbush Avenue, was approved, confirmed and ordered filed in the office of the Commission.

(6)

O-414

Commissioner Eustis presented the following extension order:

EXTENSION ORDER (No. 414).

Republican District Committee, by David
G. McConnell, Chairman, Complainant,

against

Interborough Rapid Transit Company, De-
fendant.

Order No. 414, extending the time within which the defendant may answer Complaint Order No. 386, as to escalators at 155th Street elevated railroad station, to and including April 21, 1908, was approved, confirmed and ordered filed in the office of the Commission.

(7)

1038

The Secretary presented a communication from the West Side Taxpayers' Association, requesting the establishment of a station on the Lenox Avenue subway line, between 96th and 110th Streets, which was referred to Commissioner Eustis.

(8)

2139

The Secretary presented a communication from the 28th Ward (Brooklyn) Board of Trade, transmitting resolutions requesting favorable action on the Broadway-Lafayette Avenue subway route, which was ordered filed.

(9)

2139

The Secretary presented a communication from the Allied Boards of Trade and Taxpayers' Association, transmitting a resolution requesting the Commission immediately to advance the Broadway-Lafayette Avenue subway route, and to pass it on to the Board of Estimate and Apportionment for action thereon, which was referred to Commissioner Bassett.

April 14, 1908.]

836

(10)

2530

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service lists:

Name	Position	Salary	To Take Effect
George P. Watkins.....	Statistician	\$150 per month	April 14, 1908
George H. Throop.....	Electrical Engineer.....	200 per month	April 15, 1908
Randolph H. Nexsen.....	Electrical Engineer.....	166.66⅔ per month	April 1, 1908
Clifton W. Wilder.....	Electrical Engineer.....	200 per month	April 1, 1908
Charles Vollbracht.....	Gas Meter Tester, Second Grade (Temporary).....	3 per diem	April 14, 1908
Henry B. Hasselberg, Jr....	Junior Bridge Draughtsman, (Temporary)	50 per month	April 13, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(11)

2879

The Secretary presented a communication from the Chief Engineer, recommending that Thaddeus A. Judson, Cement Tester, be granted one month's leave of absence, without pay, and on motion, duly seconded, it was

Resolved, That leave of absence for one month, without pay, to begin April 30, 1908, be granted to Thaddeus A. Judson, Cement Tester.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(12)

2880

On motion, duly seconded, it was

Resolved, That the resignation of A. M. Gilbert, Transit Inspector, be accepted, to take effect as of April 9, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(13)

2092

The Secretary presented the following requisition of The Degnon Contracting Company, together with the certificate of the Chief Engineer approving same, and voucher No. 000965, as approved by the Committee on Audit:

THE DEGNON CONTRACTING CO.,
OFFICE OF THE CONTRACTOR, 60 WALL STREET.

NEW YORK, April 4, 1908.

Requisition No. 9—For work done and materials furnished under contract dated April 27th, 1907, for the construction of Section No. 9-0-2 of the Brooklyn Loop Lines

of the Rapid Transit Railroad of the City of New York, to 31st day of March, 1908, as follows:

	For Month	Total
Total to date relative to the contract value of the whole work.....	\$103,400.40	\$695,951.75
Amount previously estimated		592,551.35
Amount of present estimate.....	\$103,400.40	\$103,400.40
Deduct 10%	10,340.04	10,340.04
Requisition for amount due for work done and materials furnished during the month	\$93,060.36	\$93,060.36

DEGNON CONTRACTING COMPANY,

(Signed) H. C. SANFORD, Chief Engineer.

Certificate No. .—I hereby certify that the work done and materials furnished under contract dated April 27th, 1907, for the construction of Section 9-0-2 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. Nine of date April 4, 1908 is made by The Degnon Contracting Company, the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Ninety-three Thousand and Sixty Dollars and Thirty-six Cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials

(Signed) HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, the Degnon Contracting Company, has made requisition on this Commission, numbered No. 9, and dated April 4, 1908, for work done and materials furnished under contract dated April 27th, 1907, for the construction of Section No. 9-0-2 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 31st day of March, 1908, amounting to (\$93,060.36) ninety-three thousand and sixty dollars and thirty-six cents, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition, and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(14)

1265

The Secretary presented the following voucher, supplementary to voucher No. 782, in accordance with a letter from George L. Sterling, Acting Corporation Counsel, which had been duly approved by Commissioner Bassett, as Committee on Audit for the month of April, whereupon, on motion duly seconded, it was

Resolved, That the voucher as shown below be approved by this Commission and forwarded to the Comptroller of the City of New York for payment.

Voucher No.	In Favor of	Services or Material	Amount
964	William B. Denison, Josephine B. Kroger, Evelyn C. Gagnebin.....	Easements to Lot 1, Block 3268, and Lot 1, Block 3269, Bor- ough of the Bronx (supple- mentary payment)	\$485.86

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(15)

3363

The Secretary presented a resolution of the Board of Estimate and Apportionment, adopted March 27, 1908, and transmitted to the Commission, changing the grade of First Street between Middleburg Avenue and Anderson Avenue; Second Street between Riker Avenue and the summit northerly from Anderson Avenue, and Third Street between Anderson Avenue and Riker Avenue, Borough of Queens. The resolution was referred to the Chief Engineer.

(16)

3050

The Secretary presented a communication from Vincent S. Cooke, Rapid Transit Editor of the New York World, submitting a drawing of a tentative plan for future subway construction, which, it was stated, had been passed upon by representatives of ninety-five per cent. of the civic organizations of the City. The papers were referred to the Committee of the Whole.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, APRIL 17, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Commissioner William McCarroll, Acting Chairman, Commissioners Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1) 2532
The Secretary presented the following notice of issue of bonds from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which was ordered filed:

DEAR SIR—At a meeting of the Board of Estimate and Apportionment, held April 3rd, 1908, the Comptroller was authorized to issue Special Revenue Bonds, to the amount of \$300,000.00, which was approved by the Mayor.

I beg to advise you that in accordance with the above authorization, an account has been established upon our records from which all vouchers properly chargeable against this authorization should be drawn, entitled Revenue Bond Fund—For Public Service Commission for the First District, New York, Expenses of.

(2) 2092, 2093
The Secretary presented the following communication from H. A. Metz, Comptroller, which was referred to the Chief Engineer:

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
NEW YORK, April 10, 1908. }

Hon. WILLIAM R. WILLCOX, *Public Service Commission*, Tribune Building, New York City:

DEAR SIR—I beg to notify you that the buildings standing on 158-162 Elizabeth Street, 188 Mulberry Street and 7-9 and 11 Marion Street, all in the Borough of Manhattan, on property condemned for purposes of the Public Service Commission, have been properly demolished and the plot cleared according to the requirements of the various Departments.

As there are no further rents to collect, the property is out of the jurisdiction of the Bureau of City Revenue of this Department. Please take charge of the vacant lots.

Yours truly,
(Signed) H. A. METZ, Comptroller.

(28)
[Form 2024]

[1 M (B)]

April 17, 1908.]

840

(3)

2622

The Secretary presented the following communication from the Comptroller of the City of New York, requesting information as to the rental payable by the Interborough Rapid Transit Company, and from Henry B. Seaman, Chief Engineer, giving such information:

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
April 3, 1908.

Hon. W. R. WILLCOX, Chairman, The Public Service Commission for the First District, New York, 154 Nassau Street, New York City:

DEAR SIR—In order to determine the amount of rental accruing April 1, 1908, and payable by the Interborough Rapid Transit Company under provisions of the contract made with John B. McDonald, February 21, 1900 (by the City of New York acting by the former Board of Rapid Transit Railroad Commissioners for the City of New York), and agreements supplemental thereto, I have to request that you furnish this Department with a statement containing the necessary information, classified and arranged as in statements heretofore prepared by the Engineers of your Commission, for the first quarter of the year 1908.

I have also to request of you a statement of the rental due the City under the terms of the contract for the construction of the Brooklyn-Manhattan section of the Rapid Transit Railroad, classified and arranged as in statements for that section as heretofore prepared by the Engineers of your Commission, also, for the first quarter of the year 1908.

In order to facilitate the furnishing of this information, I beg to inclose statements for both of the sections mentioned above, showing the bonds authorized to be issued, bonds issued, the premium realized thereon, and the disbursements made to March 31, 1908, inclusive, on account of the original contract price, extras, ducts, real estate, terminals and interest paid on bonds issued, etc.

I also inclose a copy of a letter to the Auditor of the Interborough Rapid Transit Company, stating the amount of bonds issued that were allotted to the construction of the Rapid Transit Railroad during the quarter ending March 31, 1908.

Thanking you in advance, I am,

Yours truly,

(Signed) H. A. METZ, Comptroller.

The statements mentioned in the above letter were as follows:

Rapid Transit Construction Fund, Brooklyn and Manhattan Division—Statement of Gross Disbursements and Bonds Authorized and Issued to March 31st, 1908, Inclusive.

	Bonds Authorized.	Bonds Issued.	Premium.	Proceeds.	Disbursements.
Work and Material, Con- tract	\$2,000,000.00	\$3,315,500.00	\$35,349.12	\$3,350,849.12	.....
Terminals and Real Es- tate	1,000,000.00				.....
Additional Tracks	1,620,000.00				.....

	Bonds Authorized.	Bonds Issued.	Premium.	Proceeds.	Disbursements.
Work and Material, Contract					\$1,803,529.67
Real Estate, Contract... ..					1,689.65
Extra Work					1,281,611.45
Real Estate, Including Easements, etc.....					29,269.56
Interest Paid on Bonds Issued					219,006.70
	\$4,620,000.00	\$3,315,500.00	\$35,349.12	\$3,350,849.12	\$3,335,107.93

Note—The amount of Interest paid on Bonds issued as shown above will be subject to a deduction of the amount of Interest Rental paid to the City by the I. R. T. Co. on bonds issued for the construction of that portion of the Brooklyn-Manhattan Division of the Subway now in operation, viz.—\$47,503.58.

Rapid Transit Construction Fund, Manhattan and The Bronx Division—Statement of Gross Disbursements and Bonds Authorized and Issued to March 31st, 1908, Inclusive.

	Bonds Authorized.	Bonds Issued.	Premium.	Proceeds.	Disburse- ments to March 31st, 1908.
Work and Material, Con- tract	\$35,000,000.00				\$34,483,000.00
A Extra Work and Ducts, etc.	5,965,000.00				4,810,095.01
Van Cortlandt Park Ex- tension to the Rapid Transit Railroad.....	675,000.00				732,443.50
Real Estate, Including Easements	2,006,000.00	\$45,363,500.00	\$1,882,171.04	\$47,245,671.04	1,535,100.17
Real Estate, In Fee....	500,000.00				294,194.34
Terminals	1,750,000.00				1,750,000.00
Bonds Issued to Pay In- terest	3,695,166.28				3,695,166.28
	\$49,591,166.28	\$45,363,500.00	\$1,882,171.04	\$47,245,671.04	\$47,299,999.30
Miscellaneous Receipts to March 31, 1908.....				57,175.42	
				\$47,302,846.46	

A Included in this amount is the sum of \$75,000.00 for the construction of the Van Cortlandt Park Extension of the Rapid Transit Railroad, the estimated cost of which is taken at \$750,000.00 and also \$15,000.00 for certain changes in the R. T. R. R. Station at 149th Street, \$850,000.00 for certain changes in trackage at 96th Street and \$600,000.00 for expenses incurred as extra work for the construction of outlet chambers and fan houses.

Note—This Statement does not include Interest paid on Bonds issued, except that amount which has been charged direct to this fund.

April 15, 1908.

RENTAL PAYABLE BY INTERBOROUGH COMPANY.

TRAVIS H. WHITNEY, Esq., Secretary, Public Service Commission:

DEAR SIR—Complying with request of the Comptroller of April 3, which was referred to me, I send you herewith three blueprints each of our drawings Nos. 1604-W and 1604-X, being statements, in the usual form, of the rental payable by the Interborough Company to March 31, 1908, inclusive.

This is transmitted to you with proviso similar that contained in your letter of December 2, 1907, to the Comptroller.

Very truly yours,

(Signed) HENRY B. SEAMAN, Chief Engineer.

April 17, 1908.]

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The statements mentioned in the above letter were as follows:

CONTRACT

Statement Showing How the Amounts Paid by the City to and Including March 31st,
Portion of Road

Section.	Total Feet Single Track in Each Section, as per Original Contract Drawing.	Location.	No. Feet Single Track of Original Trackage Opened.	Percentage of Section Opened.
Part in Operation January 1, 1908.				
Section I.	101,000	City Hall to 59th st.....	101,000	100%
Section II.	89,400	59th st. to 137th st. and Broadway.....	89,400	100%
		96th st. and Broadway to 135th st. and Lenox ave.....		
Section III.	45,800	137th st. and Broadway to Fort George.... 135th st. and Lenox ave. to 3d ave. and 149th st.....	45,800	100%
Section IV.	55,600	3d ave. and 149th st. to Bronx Park..... Fort George to 230th st., west side.....	50,600	91.01%
Totals .....			.....	.....
Part Not in Operation.				
Section IV.	.....	230th st. to Bailey ave.; part omitted due to change of line; 230th st. to 242d st. and Broadway	5,000	8.99%
<hr/> 291,800			<hr/> 291,800	<hr/>
Grand totals.....			291,800	.....

* Per cent. of grand total.

No. 1.

1908, for Construction of the Rapid Transit Railroad are Divided with Reference to then in Operation.

Apportionment of Amounts Received from City.						Remarks.
Original Contract.	Ducts.	Other Extras.	Terminals.	Real Estate Acquired in Fee.	Total.	
\$15,000,000	\$639,306 00	.....	\$750,000	\$26,309 04	\$37,791,259 21	
11,000,000	.....	\$2,737,427 80	550,000	.....	
6,000,000	723,972 58	.....	300,000	64,243 79		
2,730,300	52,608 00	\$656,780 63	136,515	203,641 51	3,779,845 14	
\$34,730,300	\$1,415,886 58	\$3,394,208 43	\$1,736,515	\$294,194 34	\$41,571,104 35	*97.62%
269,700	.....	732,443 50	13,485	.....	1,015,628 50	*2.38%
\$35,000,000	\$1,415,886 58	\$4,126,651 93	\$1,750,000	\$294,194 34	\$42,586,732 85	100%

Rapid Transit Construction Fund, Manhattan and Bronx Division—Statement of Bonds Issued, Interest Rates and Disbursements as Furnished by the Department of Finance.

Bonds Issued.	Interest Rate.	Annual Interest.	Disbursements.	Per Cent.
\$1,500,000	3%	\$45,000 00	Contract	\$34,483,000 00 72.903%
1,165,000	3¼%	37,862 50	Van Cortlandt Park extension	\$732,443 50
41,885,000	3½%	1,465,975 00	Other extras and ducts	4,810,095 01
				5,542,538 51 11.718%
768,500	4%	30,740 00	Terminals	1,750,000 00 3.700%
45,000	4½%	2,025 00	Interest on bonds	3,695,166 28 7.812%
			Easements, etc., in real estate	1,535,100 17 3.245%
			Real estate acquired in fee	294,194 34 0.622%
\$45,363,500		\$1,581,602 50		\$47,299,999 30 100.000%

Annual Interest Chargeable To Interborough Rapid Transit Co.

(100-3.245) 96.755% of \$1,581,602.50 = \$1,530,279.50

Quarterly Interest Payable By Interborough Rapid Transit Co. ¼ of

97.62% of \$1,530,279.50 = 373,464.71

Interest Due To December 31st, 1907 4,409,860.50

Total \$4,783,325.21

April 17, 1908.]

CONTRACT No. 2.

Tentative Statement of Rental Due the City from the Interborough Rapid Transit Railroad Company on March 31, 1908, on Account of Contract No. 2 on Portion of Road Opened as Per Agreement Dated December 14, 1905.

Location	No. of Feet of Single Track as Per Contract.	Proportion of Cost of Original Contract.	Extra Work.	Real Estate.	Total.	Percentage of Grand Total.
Part Operated Jan. 1st, 1908—						
Ann St. to South Ferry Loop Inclusive.....	10,550 ft.	\$525,529.26	.....	.....	\$525,529.26	16.44%
Part Operated Jan. 9th, 1908—						
Bowling Green to Borough Hall Station.....	18,800 "	936,488.16	—\$116,000	\$15,392.90	835,881.06	26.15%
Totals For Part Operated.....	29,350 "	1,462,017.42	—\$116,000	15,392.90	1,361,410.32	42.59%
Part Not Operated—						
Borough Hall Station to Atlantic Ave.....	10,800 "	537,982.58	1,281,611.45	15,566.31	1,835,160.34	57.41%
Grand Totals.....	40,150 ft.	\$2,000,000	\$1,165,611.45	\$30,959.21	\$3,196,570.66	100.00%

Rapid Transit Construction Fund, Brooklyn and Manhattan Division—Statement of Bonds Issued and Interest Rates as Furnished by the Department of Finance.

Bonds Issued.	Interest Rate.	Annual Interest.
\$1,000	3¼ %	\$32.50
1,815,000	3½ %	63,525
849,500	4 %	33,980
650,000	4½ %	29,250
<u>\$3,315,500</u>		<u>\$126,787.50</u>
Average Interest Rate = 3.82408%		

	Cost.	Annual Interest.	Period for Which Interest Is Charged.	Interest for Quarter Ending March 31st, 1908.
Part in Operation Jan. 1st, 1908.	\$525,529.26	\$20,096.65	3 Months	\$5,024.16
Part Opened Jan. 9th, 1908.....	835,881.06	31,964.80	2 Months 22 Days	7,280.87
Balance of Bonds Issued.....	1,954,089.68	74,726.05	.....	.....
<u>Totals.....</u>	<u>\$3,315,500</u>	<u>\$126,787.50</u>		<u>\$12,305.03</u>

Interest for quarter ending March 31st, 1908 for part opened..... \$12,305.03

Interest for period ending December 31st, 1907 for part opened..... \$47,503.58

Total \$59,808.61

On motion, duly seconded and carried, the Secretary was directed to transmit to the Comptroller copies of the above statements, giving information as requested by the Comptroller, with the usual reservations.

(4)

C-21

The Secretary presented the following communication, which was ordered filed:

BOARD OF ESTIMATE AND APPORTIONMENT, CITY OF NEW YORK, }
OFFICE OF THE SECRETARY, NO. 277 BROADWAY, }
April 13, 1908.

Public Service Commission, 154 Nassau Street, City:

GENTLEMEN—I transmit herewith certified copies of resolutions adopted by the Board of Estimate and Apportionment April 3, 1908, approved by the Mayor April 8, 1908, revoking the following seventeen consents granting permission to connect with the main line of the New York Central & Hudson River Railroad Company on 10th and 11th avenues and West Street, south of Spuyten Duyvil, which consents were

granted at various times by the Board of Aldermen to certain individuals and to the Railroad Company:

Anthony Lawrence & Company,
American Express Company,
J. M. Mueller,
A. M. Allerton, Jr. & Company,
New York Central & Hudson River Railroad Company,
Hudson River Railroad Company,
Booth & Edgar,
Gansevoort Freezing & Cold Storage Company,
John Glass,
New York Central & Hudson River Railroad Company,
New York Central & Hudson River Railroad Company,
I. M. Helm,
H. M. Kuhnast,
John Glass,
John Glass,
Hudson River Railroad Company,
Hudson River Railroad Company,

—also certified copy of resolution adopted by the Board of Estimate and Apportionment April 3, 1908, approved by the Mayor April 8, 1908, revoking Section 73, Article I, Chapter 4, Part 11 of the Code of Ordinances of The City of New York, approved November 8, 1906.

Respectfully,

(Signed) JOSEPH HAAG, Secretary.

(5)

C-1106, C-1686, C-1784

The Secretary presented the following opinion of the Counsel to the Commission, which was ordered filed:

April 11, 1908.

Public Service Commission for the First District:

SIRS—Referring to your Secretary's letter of March 26th asking whether a railroad company in condemnation proceedings may enter into possession of the property or easements to be condemned before the condemnation proceedings are completed, I beg to advise you that Title I of Chapter 23 of the Code of Civil Procedure, being Sections 3357 to 3384, inclusive, and known as the Condemnation Law, prescribes the procedure to be followed in the condemnation of real property. Section 3380 reads as follows:

"§3380. Temporary possession pending proceedings.—When an answer to the petition has been interposed and it appears to the satisfaction of the Court that the public interest will be prejudiced by delay, it may direct that the plaintiff be permitted to enter immediately upon the real property to be taken, and devote it temporarily to the public

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use specified in the petition, upon depositing with the Court the sum stated in the answer as the value of the property, and which sum shall be applied, so far as it may be necessary for that purpose, to the payment of the award that may be made and the costs and expenses of the proceeding" etc.

Under this section, if an answer to the petition has been interposed and the Court approve, the railroad may take immediate possession upon making the payment specified. If an answer has not been interposed the railroad company has no right to take possession of the property to be condemned until the condemnation proceedings are finished. The most recent decision on this point was made in April, 1908, by Mr. Justice Dowling, in the case of Manhattan Railway Company vs. Stuyvesant. This decision is reported in the New York Law Journal for April 9, 1908, Supreme Court, Special Term, Part I, and decides that as no answer had been interposed the proceeding was not one in which temporary possession could be awarded to the petitioner.

I therefore advise you that in the case cited by the Secretary in his letter, namely, that of an increase of stairway accommodation on the Houston Street Station on the Third Avenue Railroad, the railroad company could, with the approval of the Court, enter upon possession of the easement to be condemned as soon as the answer was interposed. If no answer was interposed, it could not take possession until the condemnation proceeding was completed.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

(6) O-298

The Secretary presented a communication from the Chief Engineer as to the matter of the Brooklyn Bridge, which was ordered filed.

(7) 2094

The Secretary presented the following opinion of the Counsel to the Commission:

April 15, 1908.

Public Service Commission for the First District:

SIRS—On February 28, 1908, the Commission entered into a contract with William Gullery to purchase certain permanent and temporary easements in his property Nos. 187-189 Mulberry Street for the sum of \$40,145.00. Under the terms of the contract title is to be closed on June 1st next. On April 3, 1908, the Commission entered into another contract with the New York Dispensary for the purchase of its property Nos. 133, 135 and 137 Centre Street and Nos. 112 and 114 White Street for the sum of \$126,000.00. Under this contract title is to be closed on June 8th next.

In view of the letter of the Chief Engineer to the Chairman, dated March 2, 1908, a copy of which was transmitted to me in which he urges the importance of obtaining the real estate necessary for the construction of the Brooklyn Loop Lines in Manhattan and placing the same at the disposal of the contractors at the earliest possible

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848

moment, and the fact that there is likely to be considerable delay in obtaining action by the Board of Estimate and Apportionment and the Comptroller, it seems to me advisable that without delay the proper request be made to the Board of Estimate and Apportionment to direct the Comptroller to issue corporate stock of the city to the amount of \$166,145.00, the amount necessary to purchase these two properties, on account of the requisition of the Commission for an appropriation of \$1,000,000.00 on October 16, 1907. Accordingly I have drawn and transmit herewith a form of resolution embodying such a request.

As I have advised Commissioner Eustis, in order to extinguish certain outstanding leases of the property Nos. 145, 147, 149 Centre Street, it will be necessary to take title under the pending condemnation proceeding. I have not, therefore, referred to that property in the resolution.

Respectfully yours,
(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

The Secretary thereupon presented the following resolution, and it was moved and duly seconded that the same be adopted:

Whereas, In the opinion of the Public Service Commission for the First District it is necessary, for the purpose of constructing and operating a part of the Brooklyn Loop Lines of the Rapid Transit Railroad, to acquire a permanent and perpetual underground right, easement and right of way and also a temporary right or easement in certain real property known as Nos. 187 and 189 Mulberry Street, in the City of New York, Borough of Manhattan, and also to acquire in fee simple certain other real property known as Nos. 133, 135 and 137 Centre Street and Nos. 112 and 114 White Street, in the City of New York, Borough of Manhattan; and

Whereas, In pursuance of a resolution of the Commission, duly adopted on the 28th day of February, 1908, a contract, dated February 28, 1908, was duly entered into by the Commission, on behalf of The City of New York, with one William Gullery, wherein and whereby said William Gullery agreed to sell and The City of New York agreed to purchase for the sum of Forty Thousand One Hundred and Forty-five Dollars (\$40,145) said permanent and perpetual underground right, easement and right of way, and also said temporary right or easement in said real property known as Nos. 187 and 189 Mulberry Street; and

Whereas, In pursuance of a resolution of the Commission, duly adopted on the 3d day of April, 1908, a contract, dated the 1st day of April, 1908, was duly entered into by the Commission, on behalf of The City of New York, with the New York Dispensary, wherein and whereby said New York Dispensary agreed to sell and The City of New York agreed to purchase for the sum of One Hundred and Twenty-six Thousand Dollars (\$126,000) said real property known as Nos. 133, 135 and 137 Centre Street and Nos. 112 and 114 White Street; and

Whereas, On the 16th day of October, 1907, the Commission duly made its requisition upon the Board of Estimate and Apportionment for an appropriation of One Million Dollars (\$1,000,000.00) for the acquisition of real estate or interests therein necessary for the construction and operation of said Brooklyn Loop Lines: now therefore it is

Resolved, That the Chairman and Secretary of the Public Service Commission for the First District be and they hereby are authorized and directed to request the Board of Estimate and Apportionment to direct the Comptroller to issue Corporate Stock of The City of New York on account of said requisition to the amount of One Hundred and Sixty-six Thousand One Hundred and Forty-five Dollars (\$166,145.00) to provide means for the purchase of said easements in the said real property known as Nos. 187 and 189 Mulberry Street and also of said real property known as Nos. 133, 135 and 137 Centre Street and Nos. 112 and 114 White Street, in the City of New York, Borough of Manhattan.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

O-415

The Secretary presented the following order:

TARIFF ORDER (No. 415).

Order No. 415, permitting the Long Island Railroad Company to put into effect, upon one day's notice after filing with this Commission and publication at stations, Supplement No. 1 to Tariff P.S.C.—1 N. Y. No. 15, was approved, confirmed and ordered filed in the office of the Commission.

(9)

O-416

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 416).

In the Matter
of

The hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service of the Long Island Railroad Company in respect to the Ferry operated by said Company between Long Island City and 34th Street, Manhattan.

It is hereby ordered, That a hearing be had on the 29th day of April, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the Rooms of the Commission, No. 154 Nassau Street, in the Borough of Manhattan,

City and State of New York, to inquire whether the regulations, practices and service of the Long Island Railroad Company in respect to the transportation of persons in the First District on the Ferry operated by said Company between Long Island City and 34th Street, Manhattan, are unreasonable, improper or inadequate, and whether the said Long Island Railroad Company runs boats enough or with sufficient frequency, or upon a reasonable time schedule, reasonably to accommodate the passenger traffic transported by said Long Island Railroad Company on said line, or offered for transportation to it, and if such be found to be the fact, then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation to it, and is and will be just, reasonable and proper to direct that the service of said Long Island Railroad Company upon said line be increased, supplemented and changed in the following manner, that is to say:

(1) From Long Island City to 34th Street, Manhattan, between 7:00 A. M. and 8:00 A. M., by an increase of four trips, or from eight trips to twelve trips.

(2) From Long Island City to 34th Street, Manhattan, between 8:00 A. M. and 9:00 A. M., by an increase of four trips, or from eight trips to twelve trips.

(3) From Long Island City to 34th Street, Manhattan, between 9:00 A. M. and 9:10 A. M., by an increase of one trip, or from two trips to three trips.

(4) From 34th Street, Manhattan, to Long Island City, between 5:00 P. M. and 6:00 P. M., by an increase of four trips, or from eight trips to twelve trips.

(5) From 34th Street, Manhattan, to Long Island City, between 6:00 P. M. and 7:00 P. M., by an increase of four trips, or from eight trips to twelve trips.

(6) By making such other and further changes in the schedule and manner of operating boats on said line as may be just and reasonable.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

It is further Ordered, That the said Long Island Railroad Company be given at least five days' notice of said hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Bassett to conduct the hearing.

[April 17, 1908.]

(10)

O-417

Commissioner Bassett presented the following complaint order:

COMPLAINT ORDER (No. 417).

Board of Aldermen,

Complainant,

against

Brooklyn, Queens County and Suburban
Railroad Company, Brooklyn Heights
Railroad Company,

Defendants.

Order No. 417, for satisfaction or answer within ten (10) days, as to traffic conditions at Graham and Flushing Avenues and Broadway, Brooklyn, was approved, confirmed and ordered filed in the office of the Commission.

(11)

C-1654

The Secretary presented the following communication from the Interborough Rapid Transit Company, which was referred to Commissioner Eustis:

INTERBOROUGH RAPID TRANSIT COMPANY, }
New York, April 15th, 1908. }

Mr. TRAVIS H. WHITNEY, *Secretary, Public Service Commission:*

DEAR SIR—Referring to your letter of March 3rd, enclosing complaint from D. C. Imboden, beg to advise that this matter was referred to Messrs. Ward & Gow, who appreciate that the stands are not in keeping with the general appearance of the station.

Enclosed herewith I send you plan for enclosing news-stands to be used by the advertising company, which have been prepared by Messrs. Heins and LaFarge.

The design, of course, is to protect their employees, and also to prevent the stands being used as a lounging place after they are closed, and as a receptacle for all kinds of packages, employes' tools, etc., at the same time adding to the general neatness of the station platform.

The plan for island platform is not to be considered at all, and I shall be glad if you will advise me if this meets with the approval of the Commissioners.

Yours truly,

(Signed) E. P. BRYAN, President.

(12)

3366

The Secretary presented the following petition of the Long Island Electric Railway Company, which was referred to Commissioner Bassett:

To the Public Service Commission, First District:

The petition of the Long Island Electric Railway Company, by F. L. Fuller, its President, respectfully shows:

I. That your petitioner is a domestic street surface railway company operating an electric street surface railway upon certain streets and highways in the Borough of Queens, City of New York.

II. That on February 24, 1905, your petitioner filed an application with the Board of Railroad Commissioners of the State of New York, under Section 68 of the Railroad Law, for a determination as to whether your petitioner's double track electric railway should cross three tracks of the steam railroad of the Long Island Railroad Company at a point where the Long Island Railroad crosses at grade the Jamaica and Hempstead Turnpike highway, near Queens, in the Borough of Queens, City of New York, above, below or at the grade of said steam railroad.

III. At a public hearing on said application to The City of New York on June 20th, 1905, there was filed an agreement dated June 19th, 1905, between the Long Island Railroad Company and the Long Island Electric Railway Company for a temporary crossing grade. That agreement provided for the construction by your petitioner of a single track of its railroad at grade crossing the tracks of the Long Island Railroad Company, the construction of a V shaped copper trough on its trolley wire over the crossing, and the construction and maintenance of switches and signals to protect the crossings; and also provided that if the entire highway crossing of the said railroad should not be theretofore eliminated, your petitioner should, on or before June 1st, 1907, construct an overhead crossing of the steam railroad in lieu of the grade crossing.

IV. By an order of the same date, the Board of Railroad Commissioners of the State of New York approved of a temporary crossing in accordance with said agreement, and by a further order on July 6th, 1905, the plan that a V shaped copper trough on a trolley wire of the Long Island Railroad Company should be made by your petitioner was formally approved.

V. On March 18th, 1907, there was filed with the Board of Railroad Commissioners of the State of New York a petition from this Company asking that the said crossing be permitted at grade for a further period. Said petition stated that plans were under way for the permanent separation of the railroad and turnpike grades at this point. A hearing in this matter was given by the Board of Railroad Commissioners of the State of New York at its office in the Capitol at Albany on March 22, 1907, after which the State Board of Railroad Commissioners determined under Section 68 of the Railroad Law that the single track of the Long Island Railroad Company "shall continue to temporarily cross at grade the tracks of the Long Island Railroad at a point where the Long Island Railroad crosses at grade the Jamaica and Hempstead Turnpike east (west) of Queens, Borough of Queens, New York City, for a further period of one year from June 1st, 1907, to wit, June 1st, 1908."

VI. Your petitioner now respectfully requests that the determination and authorization by the State Board of Railroad Commissioners of this temporary crossing at grade be extended for a further period of one year, from June 1st, 1908, to June 1st, 1909. In view of the fact that plans are now under way for the permanent separation

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of the railroad and turnpike grades at the point in question, it would be a needless expenditure on the part of your petitioner to erect a temporary overhead crossing for its railway.

Dated, February 26, 1908.

LONG ISLAND ELECTRIC RAILWAY COMPANY,

By (Signed) F. L. FULLER, President.

Attest:

(Signed) FRANK E. HAFF, Secretary.

[SEAL]

State of New York, }
County of Queens. } ss.:

On this 26th day of Feb., 1908, before me personally appeared F. L. Fuller, to me known, who being by me duly sworn, did depose and say that he resided in the Borough of Manhattan, City and State of New York; that he is the President of the Long Island Electric Railway Company, the corporation described in and which executed the foregoing instrument; that he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

(Signed) A. G. PEACOCK,
Notary Public, Kings County,
Certificate filed in Queens Co.

(13)

C-1853

The Secretary presented a communication from the Prospect Heights Citizens' Association, transmitting resolutions protesting against the use of the tunnel from the Battery to Brooklyn principally for traffic by the Long Island Railroad to and from points in Queens, Nassau and Suffolk Counties, and demanding the construction of the subway to Prospect Park and Flatbush. The resolutions were ordered filed.

(14)

O-418

Commissioner Bassett presented the following order:

DISCONTINUANCE ORDER (No. 418).

31st Ward Board of Trade,

By James M. Conahan, Secretary,
Complainant,

against

Sea Beach Railway Company,
Defendant.

Order No. 418, discontinuing proceedings upon Complaint Order No. 330, as to failure to stop New York bound trains at Luna Park station, said complaint having been withdrawn, was approved, confirmed and ordered filed in the office of the Commission.

April 17, 1908.]

854

(15)

2569, 3345, 3343

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service lists:

Name	Position	Salary	To Take Effect
Richard C. Harrison.....	Junior Ass't Counsel (Second Grade)	\$150 per month	April 17, 1908
Julius Soman.....	Axeman.....	2 per diem	April 17, 1908
Irwin H. Hussey.....	Rodman.....	80 per month	April 17, 1908
Barclay T. Kenyon.....	Rodman.....	80 per month	April 17, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(16)

2879

On motion, duly seconded, it was

Resolved, That the following provisional appointments be made:

Name	Position	Salary	To Take Effect
Albert C. Sneed.....	Structural Draughtsman (temporary)	\$125 per month	April 15, 1908
R. Welcker.....	Structural Draughtsman (temporary)	125 per month	April 20, 1908
J. F. Sullivan.....	Structural Draughtsman (temporary)	125 per month	April 20, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(17)

2530

The Secretary presented a communication from George H. Throop, declining appointment as Assistant Electrical Engineer, which was ordered filed.

(18)

2879

On motion, duly seconded, it was

Resolved, That leave of absence for one month, without pay, to begin April 1, 1908, be granted to Thomas P. Lyons, Axeman, at the request of Henry B. Seaman, Chief Engineer.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(19)

2879

The Secretary presented a communication from the Municipal Civil Service Commission disapproving the transfer of George M. Sprague from the position of Architectural Draughtsman in the office of this Commission to the position of Draughtsman in the office of the Department of Water Supply, Gas and Electricity, which was ordered filed.

(20)

2879

The Secretary presented a communication from the Municipal Civil Service Commission disapproving the transfer of S. E. Nichols from the position of Inspector of Masonry in the office of this Commission to the position of Inspector of Masonry in the office of the Department of Bridges, which was ordered filed.

(21)

2093

The Secretary presented the following requisition of Cranford Company, together with the certificate of the Chief Engineer approving same, and voucher No. 992 as approved by the Committee on Audit:

CRANFORD COMPANY,
OFFICE OF THE CONTRACTOR, NO. 190 MONTAGUE STREET, }
BROOKLYN, N. Y., March 31st, 1908.

Requisition No. 8—For work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of the City of New York, to 31st day of March, 1908, as follows:

	For Month.	Total.
Total to date relating to the Contract value of the whole work.....	\$73,400.40	\$377,935.90
Amount previously estimated.....		304,535.50
Amount of present estimate.....	73,400.40	73,400.40
Deduct 10 per cent.....	7,340.04	7,340.04
Requisition for amount due for work done and materials furnished during the month.....	\$66,060.36	\$66,060.36

CRANFORD COMPANY, Contractor,
(Signed) A. G. UNDERWOOD, Secretary.

Certificate No. 8—I hereby certify that the work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of the City of New York, for which Requisition No. Eight of date March 31, 1908, is made by Cranford Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Sixty-six thousand and Sixty Dollars and Thirty-six Cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission For the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Cranford Company, has made requisition upon this Commission, numbered No. 8, and dated March 31st, 1908, for work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of the City of New York, to the 31st day of March, 1908, amounting to Sixty-six thousand and sixty and 36/100 Dollars (\$66,060.36), and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

O-257

Commissioner Bassett moved the adoption of the following resolution, which was duly seconded:

Whereas, The Final Order Number 257 of this Commission, duly made on the 11th day of February, 1908, directed and required the Brooklyn Union Elevated Railroad Company by or before March 1, 1908, to station at its terminal yard at or near the Brooklyn Terminal of the Brooklyn Bridge and keep and maintain there a wrecking car or wrecking train ready for use by said company in clearing its track upon and near said bridge; and

Whereas, Said Final Order Number 257 was duly served on said company; and

Whereas, Said company, on the 13th day of February, 1908, duly acknowledged service of said order and accepted said order and agreed to obey its provisions in regard to the stationing and maintaining of said wrecking car; and

Whereas, Said company failed, omitted and neglected to obey, observe or comply with the terms of said Final Order Number 257, and failed to station or maintain any wrecking car or wrecking train at said terminal by or before the 1st day of March, 1908; and

Whereas, Such violation of said order continued over each and every day to and including the 16th day of March, 1908, and still continues;

Therefore, be it Resolved, That the Counsel to the Commission be authorized and directed to commence an action in a court of competent jurisdiction in the name of the People of the State of New York, to recover from the said Brooklyn Union Elevated Railroad Company a fine, penalty or forfeiture of fifty dollars (\$50.00)

for each day from the 2nd day of March, 1908, to the 16th day of March, 1908, inclusive, and to prosecute said action to final judgment.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

2885

The Secretary presented the following opinion of the Counsel to the Commission, which was ordered filed:

April 15, 1908.

Public Service Commission for the First District:

SIRS—Referring to the opinion dated February 13th, 1908, relating to the powers and duties of the Commission in regard to the inspection and testing of the boilers on locomotives used by the New York Dock Company, which opinion indicated that the Commission had jurisdiction of the matter mentioned, I beg to say that upon further consideration I have reached the conclusion that the jurisdiction of the Commission does not extend so far.

It appears that the New York Dock Company is not incorporated under the Railroad Law of the State. The Company is engaged in the business of warehousemen. Incidental to its business it operates small locomotives exclusively on its own property. These locomotives never leave the tracks of the Company and have no connection with any other railroad. The Company was incorporated in 1901. The question presented is whether this Company's line is a railroad within the meaning of the statute providing for the inspection and testing of locomotive boilers and within the meaning of the Public Service Commissions Law.

Whatever powers the Public Service Commission has in the matter of inspecting and testing locomotive boilers it possesses as the successor of the Board of Railroad Commissioners under section 80 of the Public Service Commissions Law which is as follows:

"On and after the taking effect of this act the board of railroad commissioners shall be abolished. All the powers and duties of such board conferred and imposed by any statute of this state shall thereupon be exercised and performed by the public service commissions."

The powers and duties of the Board of Railroad Commissioners in the matter of the inspection and testing of locomotive boilers are prescribed by the Railroad Law.

The Railroad Law was passed in 1890. As originally enacted, it contained no provision for the inspection and testing of locomotive boilers. By Chapter 611 of the Laws of 1905, this law was amended by the addition of sections 49-a and 49-b providing for such inspection and testing and defining the powers and duties of the Board of Railroad Commissioners with respect thereto. In 1907, by Chapter 208, which became a law on April 25th, 1907, section 49-a was amend-

ed and an additional section (49-c) was added making the present reading of all three sections as follows:

"§49-a. Inspection of Locomotive. Boilers.—It shall be the duty of every railroad corporation operated by steam power, within this state, and of the directors, managers or superintendents of such railroad to cause thorough inspections to be made of the boilers and their appurtenances of all the steam locomotives which shall be used by such corporation or corporations, on said railroads. Said inspections shall be made, at least every three months under the direction and superintendence of said corporations, or the directors, managers or superintendents thereof, by persons of suitable qualifications and attainments to perform the services required of inspectors of boilers, and who from their knowledge of the construction and use of boilers and the appurtenances therewith connected, are able to form a reliable opinion of the strength, form, workmanship and suitability of boilers, to be employed without hazard of life, from imperfections in material, workmanship or arrangement of any part of such boiler and appurtenances. All such boilers so used shall comply with the following requirements; The boilers must be made of good and suitable materials; the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat shall be of proper dimensions; the safety valves, fusible plugs, low water glass indicator, gauge cocks and steam gauges, shall be of such construction, condition and arrangement that the same may be safely employed in the active service of the railroad corporation without peril to life; and each inspector shall satisfy himself by thorough examination that said requirements have been fully complied with. No boiler, nor any connection therewith shall be approved which is unsafe in its form, or dangerous from defects, workmanship or other cause. The person or persons who shall make the said inspections if he or they approve of the boiler or boilers and the appurtenances throughout, shall make and subscribe his or their name to a written or printed certificate which shall contain the number of each boiler inspected, the date of its inspection, the condition of the boiler inspected, and such details as may be required by the forms and regulations which shall be prescribed by the railroad commissioners. Every certificate shall be verified by the oath of the inspector, and he shall cause said certificate or certificates to be filed in the office of the railroad commissioners, within ten days after each inspection shall be made, and also a copy thereof with the chief operating officer or employee of such railroad having charge of the operation of such locomotive boiler; a copy shall also be placed by such officer or employee in a conspicuous place in the cab connected with the locomotive boiler inspected, and there kept framed under glass. The railroad commissioners shall have power, from time to time, to formulate rules and regulations for the inspection and testing of boilers as aforesaid, and may require the removal of incompetent inspectors of boilers under the provisions of this act. Copies of such rules and regulations shall be mailed

to every corporation operating a railroad by steam in this state. If it shall be ascertained by such inspection and test or otherwise, that any locomotive boiler is unsafe for use, the same shall not again be used until it shall be repaired, and made safe, so as to comply with the requirements of this section. Every corporation, director, manager or superintendent operating such railroad and violating any of the provisions of this section shall be liable to a penalty, to be paid to the People of the State of New York, of one hundred dollars for each offense, and the further penalty of one hundred dollars for each day it or they shall omit or neglect to comply with said provisions, and the making or filing of a false certificate shall be a misdemeanor, and every inspector who wilfully certifies falsely touching any steam boiler, or any appurtenance thereto belonging, or any matter or thing contained or required to be contained in any certificate, signed and sworn to by him, shall be guilty of a misdemeanor. Any person, upon application to the secretary of said board of railroad commissioners, and on the payment of such reasonable fee as said board may by rule fix, shall be furnished with a copy of any such certificate."

"§49-b. State Inspector of Locomotive Boilers.—Within twenty days after this section takes effect, the state railroad commission shall appoint a competent person as inspector of locomotive boilers, who shall receive a compensation to be fixed by the commission, not exceeding three thousand dollars per year. Such inspector shall, under the direction of the commission, inspect boilers or locomotives used by railroad corporations operating steam railroads within the state, and may cause the same to be tested by hydrostatic test and shall perform such other duties in connection with the inspection and test of locomotive boilers as the commission shall direct. But this section shall not relieve any railroad corporation from the duties imposed by the preceding section."

"§49-c. Care of Steam Locomotives; Steam and Water Cocks; Penalty.—It shall be the duty of every corporation operating a steam railroad, within this state, and of its directors, managers or superintendents, to cause the boiler of every locomotive used on such railroad to be washed out as often as once every thirty days, and to equip each boiler with, and maintain thereon at all times, a water glass, showing the height of water in the boiler, having two valves or shut-off cocks, one at each end of such glass, which valves or shut-off cocks shall be so constructed that they can be easily opened and closed by hand; also to cause such valves or shut-off cocks and all gauge cocks or try-cocks attached to the boiler to be removed and cleaned whenever the boiler is washed out pursuant to the foregoing requirements of this section; also to keep all steam valves, cocks and joints, studs, bolts and seams in such repair that they will not at any time emit steam in front of the engineer, so as to obscure his vision. No locomotive shall hereafter be driven in this state unless the same is equipped and cared for in conformity with the provisions of this section; but nothing here contained shall be construed to ex-

cuse the observance of any other requirement imposed by this chapter upon railroad corporations, their directors, officers, managers and superintendents. Every corporation, person or persons operating a steam railroad and violating any of the provisions of this section, shall be liable to a penalty of one hundred dollars for each offense, and the further penalty of ten dollars for each day that such violation shall continue. The board of railroad commissioners shall enforce the provisions of this act."

Chapter 611 of the laws of 1905 is entitled, "An Act to amend the railroad law in relation to the inspection of locomotive boilers." Chapter 208 of the laws of 1907 is entitled, "An Act to amend the railroad law, in relation to the inspection and care of steam locomotives." In and by these chapters it is provided that the subdivisions thereof shall constitute sections 49-a, 49-b and 49-c of the Railroad Law. It is thus clear that these chapters are intended to form a component part of the Railroad Law of the State.

It will be noted that the provisions of these sections relate to steam railroads and to railroad corporations operating steam railroads, and the question arises as to just what is meant by the term "railroad corporation" and "railroad," as used in the Railroad Law. The solution of this question will determine how far the powers and duties of the state board of railroad commissioners in the matter of the inspection and testing of locomotive boilers extended under the Railroad Law, and therefore will determine the extent of the powers and duties of the Public Service Commission in the same matter.

In 1830 the Legislature passed several acts relating to corporations, and subsequently passed others, all of which were evidently intended to furnish a consolidation of the statutory corporation law of the state.

Chapter 563 L. 1890 was called the "General Corporation Law."

Chapter 564 L. 1890 was called the "Stock Corporation Law."

Chapter 565 L. 1890 was called the "Railroad Law."

Chapter 566 L. 1890 was called the "Transportation Corporations Law."

Chapter 567 L. 1890 was called the "Business Corporations Law."

—and there have been added other chapters which deal with other classes of corporations.

The Business Corporations Law provides a scheme for the organization of business corporations in general, with certain exceptions. The law provides for the filing of a certificate of incorporation and for the contents of such a certificate. It is expressly provided that a railroad corporation shall not be organized under the provisions of this law. The language is:

"Three or more persons may become a stock corporation for any lawful business purpose or purposes other than a moneyed corporation, or a corporation provided for by the banking, the insurance, the railroad and the transportation corporation laws, by making, signing, acknowledging and filing a certificate which shall contain:"

(Here follows an enumeration of the particulars required to be contained in the certificate).

Further, in the classification of corporations contained in section 2 of the General Corporation Law a railroad corporation is classified as something wholly distinct from a business corporation.

The Railroad Law of the State of New York contains elaborate provisions for the organization of railroad corporations, including steam railroad corporations. The organization is not effected by filing a certificate of incorporation under the Business Corporations Law, but the Legislature has deemed it important to require a distinct form of certificate of incorporation for railroad corporations, and Section 2 of the Railroad Law provides at length for the contents of such a certificate. Further, Section 59 of the Railroad Law provides that no railroad corporation hereafter formed under the laws of this state shall exercise the powers conferred by law upon such corporation or begin the construction of its road until the Board of Railroad Commissioners shall certify that all the requirements of the law have been complied with, and that public convenience and necessity require the construction of the railroad as proposed in the articles of association. It has been held that the corporation is not complete until this certificate has been issued.

People ex rel Depew and Southwestern R. R. Co. v. Board of Railroad Commissioners, 4 App. Div. 259.

It is thus plain that after the enactment of the Railroad Law no railroad corporation could be formed except pursuant to the provisions of the Railroad Law, and no railroad could be constructed by it except pursuant to the provisions of that law. The New York Dock Company was organized in 1901, but not under the Railroad Law, and hence, within the meaning of that law, this corporation could not be a railroad corporation nor could its road be regarded as a railroad.

A reference to some of the decisions of the courts leads to the same result.

It has been held that the fact that the charter of a lumber company authorized it to build a railroad as an incident of its business did not make it a railroad company within a statute making railroad companies liable for injuries to employees.

Ellington v. Beaver Dam Lumber Company, 93 Ga. 53.

(As cited in *Elliott on Railroads*, 2nd Ed., Vol. I, p. 2.)

Also that a "union depot and railroad company" is not an ordinary railroad company and that it need not be incorporated under the statute providing for the incorporation of railroad companies, but might be incorporated under the general law providing for the incorporation of ordinary private corporations.

People v. Cheeseman, 7 Colo. 376.

(As cited in *Elliott on Railroads*, 2nd Ed., Vol. I, p. 3.)

In *Griggs v. Houston* (104 U. S.) the defendants who were contractors engaged in building a railroad were sued by the widow of one Griggs for damages caused by his death. He was riding on the pilot or bumper of a locomotive forming part of a

construction train of the defendants at the time it collided with loaded cars standing on the track. Griggs received injuries resulting in his death. Plaintiff's claim to recover was based upon sections of the Code of Tennessee, prescribing certain precautions which a railroad company must observe in running its trains. The trial court charged the jury that these provisions did not apply to the case, and the jury found for the defendants. On appeal the judgment was affirmed. The court says:

"We agree entirely with the court below in the opinion that the statutes in relation to railroads relied upon by the plaintiff in error are not applicable to the facts of this case. If upon the evidence the jury had brought in a verdict against the defendants it would have been the duty of the court to set it aside and grant a new trial."

Griggs v. Houston, 104 U. S. 553.

Although a company is organized under an act which provides for the formation and regulation of railroad corporations, yet, if the road is designed solely for private use, it is not such a railroad as is contemplated by the statute and the company is not entitled to exercise the right of eminent domain. So held in

Weidenfeld v. Sugar Run R. R. Co. 48 Federal Rep. 615.

(see) Matter of Split Rock Cable Road Co. 128 N. Y. 408.

The Troy Union Railroad Company was incorporated under a special act to construct a railroad through the city of Troy for the use and benefit of the railroad companies running trains to and from said city.

Held (in effect) that this company was not liable for damages resulting from failure to fence both sides of the track as required by the General Railroad Act, but that the liability rested upon the railroad company that happened to be using the road at the time of any loss.

Tracy v. The Troy and Boston Railroad Company, 38 N. Y. 433.

The Harlem River and Portchester Railroad Company whose line extends from Harlem River to New Rochelle in the State of New York was organized in 1866 under the General Railroad Act (Laws 1850, C. 140) which limits the rate of transportation to three cents per mile. In 1889 the company's lessee (New York, New Haven & Hartford Railroad Company) built a spur of this road from Van Nest, a station six miles from Harlem River to a race course one-half mile distant, for the purpose of running special trains to accommodate visitors to the race course, issuing and selling a round trip ticket for fifty cents, which was fourteen cents in excess of the statutory limit of three cents per mile. The company owned the ground over which the spur was built. The spur was never used, nor intended to be used except during the races.

Held, that as such spur was not laid out nor title to the right of way acquired, as provided in Section 28 of the General Railroad Act, it was not a railroad constructed under that Act; but a private enterprise, which the company was at liberty to abandon at any time, and the amendment of that Act (L. 1896, C. 415), imposing

a penalty for transportation charges in excess of the statutory limit, did not apply to the spur.

Palm v. New York, New Haven & Hartford R. R. Co., 17 N. Y. Supp. 471.

It has been held that a dockage and warehouse company is not a corporation organized for a public purpose or use which justifies the delegation to it of the right of eminent domain. It has not such right even when the legislature has attempted to confer such right upon it. Such act of the legislature is unconstitutional and void.

Matter of Eureka Basin Warehouse and Manufacturing Co., 96 N. Y. 42.

(See) *Matter of New York, Lackawanna and Western Railway Company*, 99 N. Y. 12.

In the case last cited (99 N. Y. 12) a railroad company sought to condemn dockage or wharfage property of a steamboat company. The steamboat company resisted on the ground that the property was already devoted to a public use, but the court held that the railroad company might condemn.

Judge Finch says: "The steamboat company was organized under a general law. (Laws of 1864, Chap. 232.) Under that law it was and might remain a private corporation. Its charter did not make it a common carrier or impose upon it public obligations. If it became a common carrier, or assumed public obligations, that sprang from its own voluntary action and not from the will of the sovereign. It might carry passengers or not as it pleased. It might transport freight for one firm or corporation, or a single individual, excluding all others, and confine its operations within that narrow boundary, and practically and mainly such was the scope of its business. It might use the lands here in question wholly for the purpose of building and equipping the vessels of its line and then apply them solely to private uses. The test appears to be, not what it does or may choose to do, but what under the law it must do, and whether a public trust is impressed upon it. It does not so hold its property impressed with a trust for the public use unless its charter puts that character upon it and so that it cannot be shaken off. If the law of its existence does not prevent it from being a mere private corporation, from disregarding if it pleases all public uses; if it may abandon its business at any moment and refuse to run its propellers and sell its lands by an absolute title without responsibility to the sovereign, which is permitted by its charter (32); in short, if under that charter it may be a purely private corporation, its property is not so held as to be exempt from a taking under the law of eminent domain. * * * If the test should be made that of the actual use, of the character of the business done and the benefit to the public realized, we shall never know where to draw the line, and must equally exempt individuals whose property is thus used;"

The Public Service Commissions Law makes no attempt to define either the term "railroad" or the term "railroad corporation." The provisions of Section 2 of that law are not intended as definitions but to furnish a rule for the construction of these terms *when used in that law*.

What is said about the term "railroad" is as follows:

"The term 'railroad,' *when used in this act*, includes every railroad, other than a street railroad, by whatsoever power operated, *for public use* in the conveyance of persons or property for compensation, with all bridges, ferries, tunnels, switches, spurs, tracks, stations, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such railroad."

It is manifest that this is not a definition of the term "railroad." If it were, then street railroads would no longer be railroads. It is simply a provision that certain appurtenances of a railroad shall be understood as included in the term "when used in this act." In other words, what is evidently intended is that the meaning of the term "railroad" shall be held to be no different than heretofore (except that street railroads are, for the purposes of this Act, excluded), but that whenever the term "railroad" is used in the Act the appurtenances mentioned shall be deemed to be included as a part thereof. It was not intended that each one of the appurtenances mentioned should separately constitute a railroad.

What is said about the term "railroad corporation" is as follows:

"The term 'railroad corporation,' *when used in this act*, includes every corporation, company, association, joint-stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, managing or controlling any railroad or any cars or other equipment used thereon or in connection therewith."

Here again a rule of construction is laid down for the purposes of this act only.

That there was no intent to make the provisions of the Act apply to private corporations or to other railroads than those contemplated by the Railroad Law is shown by the first section of the Act, defining the application thereof, which is as follows:

"This chapter shall be known as the public service commissions law, *and shall apply to the public services herein described*, and to the commissions hereby created."

The effect is to limit the application of the Act as far as railroads are concerned to such railroads as are agencies for the public service. The term "railroad" under this law would therefore mean "public service railroad," and the term "railroad corporation" would mean "public service railroad corporation." As has been seen, a dockage and warehouse company is not a public service corporation, but is a private corporation engaged in a private enterprise and not entitled to exercise the right of eminent domain, even when conferred by the Legislature, and having no power to resist condemnation proceedings by and on behalf of a public service corporation.

It is to be noted further that what is said in Section 2 of the Act about the term "railroad" and the term "railroad corporation" (as above quoted) has no application beyond the Act itself, the application being restricted by the words, "when used in this act." The Act contains no provisions relating to the inspection and testing of locomotive boilers, and hence, in the Act, the term "railroad" and the term "railroad corporation" are not used in that connection at all.

[April 17, 1908.]

For the reasons stated, I am of the opinion that the New York Dock Company's road is not a railroad within the meaning of the Railroad Law or of the Public Service Commissions Law, and that the powers and duties of the Commission relating to the inspection and testing of locomotive boilers do not extend to this road. The opinion heretofore written indicating a different conclusion is hereby withdrawn.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

(24) 2137
The Secretary presented the following summary of reports of accidents for the month of March:

	March.
Car collisions.....	148
Persons and vehicles struck by cars.....	905
Boarding	574
Alighting	454
Contact with electricity.....	27
Other accidents	2245
	<hr/> 4353 <hr/>

Of the above the injuries are classified as follows:

Passengers	1525
Persons not passengers.....	632
Employees	474
	<hr/> 2631 <hr/>

Of the above injuries the following were serious:

Killed	44
Fractured skulls	8
Amputated limbs	1
Broken limbs	33
Other serious	101
	<hr/> 187 <hr/>

(25) O-419
Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 419).

In the Matter
of

The application of the Long Acre Electric Light and Power Company for authority to issue \$10,000,000 of preferred stock, and also to issue \$50,000,000 of bonds to be secured by a mortgage on its property.

Whereas, The Public Service Commission for the First District has received the petition of the Long Acre Electric Light and Power Company, verified the 1st day of February, 1908, praying

First—That the Commission authorize the issue by said Company of Ten Million Dollars (\$10,000,000) par value, of preferred stock, the said stock to be non-cumulative and non-voting, with a specified dividend rate of seven (7) per cent.

Second—That the Commission authorize the issue by said Company of six per cent. (6%) bonds to the extent of Fifty Million Dollars (\$50,000,000) of which,

Twelve Million Dollars (\$12,000,000) are to be issued at the present time, and,

The remainder are to be issued as may hereafter be authorized by the Public Service Commission.

Third—That the Commission authorize the execution by said Company of a mortgage or pledge of all its property to secure the said bonds.

Resolved, That the said petition of the said Long Acre Electric Light and Power Company be heard by and before the Public Service Commission for the First District on the 30th day of April, 1908, at 2:30 o'clock in the afternoon, and that the said Company publish the following notice of the said application and of the time and place of the said hearing in the following newspapers, namely: The Evening Post and the New York Times, published in the Borough of Manhattan, in the City of New York, at least three days in succession before said hearing, and file proof of such publication with the Secretary of this Commission on or before the opening of the said hearing.

Notice is hereby given, that an application and petition of the Long Acre Electric Light and Power Company to the Public Service Commission for the First District, has been made, praying

First—That the Commission authorize the issue by said Company of Ten Million Dollars (\$10,000,000) par value, of preferred stock, the said stock to be non-cumulative and non-voting, with a specified dividend rate of seven (7) per cent.

Second—That the Commission authorize the issue by said Company of six per cent. (6%) bonds to the extent of Fifty Million Dollars (\$50,000,000), of which,

Twelve Million Dollars (\$12,000,000) are to be issued at the present time, and,

The remainder are to be issued as may hereafter be authorized by the Public Service Commission.

Third—That the Commission authorize the execution by said Company of a mortgage or pledge of all its property to secure the said bonds.

[April 17, 1908.]

And that said application and petition will be heard by the said Commission at its office, Number 154 Nassau Street, Borough of Manhattan, New York City, on April 30th, 1908, at 2:30 o'clock in the afternoon.

Dated, NEW YORK, , 1908.

LONG ACRE ELECTRIC LIGHT AND POWER COMPANY,

By.....

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Maltbie to conduct the hearing.

(26)

O-420

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 420).

In the Matter

of

Application of the Coney Island & Brooklyn
Railroad Company for authority to issue
an additional amount of bonds in the sum
of \$462,000.00.

Whereas, The Public Service Commission for the First District has received the petition of The Coney Island & Brooklyn Railroad Company, verified the 8th day of April, 1908, praying

That the Commission will consent to and approve of an additional issue of bonds secured by the petitioner's consolidated mortgage, dated December 15, 1904, beyond the amount of five million five hundred thousand dollars, to wit: four hundred sixty-two thousand dollars (\$462,000), for the following uses:

1. To pay two hundred seventy-eight thousand dollars (\$278,000), the estimated cost of the reconstruction of the railroad on Coney Island Avenue from Prospect Park to Coney Island;
2. To pay sixteen thousand dollars (\$16,000), the balance of the cost of ten new cars ordered by this Commission over thirty thousand dollars (\$30,000), the par value of authorized car trust bonds; and
3. To pay eighty-two thousand nine hundred seventy-three dollars (\$82,973), the balance of the cost of reconstruction of petitioner's power system over the moneys raised therefor by sale of stock;

Resolved, That the said petition of said The Coney Island & Brooklyn Railroad Company be heard by and before the Public Service Commission for the First District on the 4th day of May, 1908, at 2:30 o'clock in the afternoon, and that the said Company publish a notice of the said application and of the time and place of the said hearing in the following newspapers, namely:—The Brooklyn Times and Brooklyn Citizen published in the Borough of Brooklyn, in the City of New York, at least three days

in succession before said hearing, and file proof of such publication with the Secretary of this Commission on or before the opening of the said hearing.

The notice referred to in the above resolution is as follows:

Notice is hereby given that an application and petition of The Coney Island & Brooklyn Railroad Company to the Public Service Commission for the First District has been made, praying

That the Commission will consent to and approve of an additional issue of bonds secured by the petitioner's consolidated mortgage, dated December 15, 1904, beyond the amount of five million five hundred thousand dollars, to wit: four hundred sixty-two thousand dollars (\$462,000), for the following uses:

1. To pay two hundred seventy-eight thousand dollars (\$278,000), the estimated cost of the reconstruction of the railroad on Coney Island Avenue from Prospect Park to Coney Island;

2. To pay sixteen thousand dollars (\$16,000), the balance of the cost of ten new cars ordered by this Commission over thirty thousand dollars (\$30,000), the par value of authorized car trust bonds; and

3. To pay eighty-two thousand nine hundred and seventy-three dollars (\$82,973), the balance of the cost of reconstruction of petitioner's power system over the moneys raised therefor by sale of stock.

And that said application and petition will be heard by the said Commission, at its office, No. 154 Nassau Street, Borough of Manhattan, New York City, on May 4th, 1908, at 2:30 o'clock in the afternoon.

Dated New York, April , 1908.

THE CONEY ISLAND & BROOKLYN RAILROAD COMPANY

By.....

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Bassett to conduct the hearing.

(27)

O-422

Commissioner Maltbie presented the following opinion:

In the matter

of

The Hearing on the Motion of the Commission on the Question of Improvements in and additions to the Service and Equipment of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of said Company.

23rd Street Crosstown Line.

OPINION.

The passenger traffic upon surface, street-car lines in the City of New York fluctuates greatly from hour to hour, day to day, season to season and year to year. The

number of cars which must be run to provide adequate service upon a clear day is often quite different from the number needed at similar hours upon a stormy day. Saturdays and Sundays are very busy days upon some lines, but during the other five days in the week, the use made of these lines may be small. The traffic upon certain lines increases as summer approaches and falls off when winter returns. Meetings, conventions, parades, games, etc., constantly cause important fluctuations. To meet these varying conditions, the traffic manager must provide a varying schedule, having in mind not merely the conditions that ordinarily obtain but any special circumstances which call for a greater or less number of cars than ordinarily needed.

In attempting to fix the standard of adequate service for the various lines, the Commission has, with one exception, specified the minimum number of cars that should be run. But a fixed minimum which is reasonable and yet effective under ordinary circumstances may impose an unnecessary burden upon the company at certain times and permit overcrowding at others. The proper standard should be so elastic that it would be neither too harsh nor too mild, but at all times so suited to the conditions as to provide as adequate service as could reasonably be expected. The requirement that a certain number of cars must be run during certain hours has been found to be too rigid and not sufficiently elastic for certain surface lines. Consequently, the order directed to be drawn in the present case provides that the number of seats in the cars passing any point of observation upon the 23rd Street Line shall exceed by at least 10 per cent. the number of passengers in those cars, but never less than six per hour, or, if it is impossible to comply with this provision, that at least 25 cars shall pass such point of observation within every 15-minute period.

The purpose of this order is to give every one a seat, and a 10 per cent. excess of seats over passengers has been required because of the irregularity of traffic and of cars. If the cars were to run with absolute regularity and if passengers were to board these cars at regular intervals and at equi-distant points, it might not be necessary to provide a greater number of seats than passengers, but cars do not run regularly and passengers do not board the cars with absolute uniformity, and it has been found, as a matter of practical observation, that in order to provide seats for all passengers, it is necessary to run cars with a greater seating capacity than the number of passengers. Whether a 10 per cent. excess is sufficient to accomplish this result cannot be determined without experiment, and it is possible that after a trial has been had it will be necessary either to increase or decrease the percentage of excess suggested.

The alternative proposition suggested, viz., that if a 10 per cent. excess of seats over passengers is not provided, a certain number of cars *must* be run, has been placed in the order because it is physically impossible, under the conditions which obtain in New York, always to provide a seat for every passenger. The traffic is so heavy at times that to attempt to provide every one with a seat would so interfere with the carrying capacity of the line that the time consumed in passing from one point to another would be so great, because of the low rate of speed due to car congestion, that

the advantage of a seat would probably be more than offset by the increased time required.

Between Lexington Avenue and Broadway, upon 23rd Street, the cars of the Lexington Avenue line run upon the same tracks as those of the 23rd Street Crosstown line. It has been found by observation that it would be difficult, and perhaps impossible, to run more than 50 cars in a 15-minute period upon this portion of the route, but this number may be equalled and perhaps exceeded. If the cars were equally divided between the 23rd Street line and the Lexington Avenue line, it would mean that the maximum number of cars to be run upon either line would be 25 in each 15-minute interval. This is the limit fixed in the 23rd Street order as well as the order relating to the Lexington Avenue line.

The 23rd Street Crosstown line includes the cars running between the East River and the North River upon 23rd Street and the branch running from 23rd Street to the 34th Street Ferry via Second Avenue. The service was shown by the evidence presented at the hearings to be more inadequate upon the 23rd Street section, but considerable improvement is necessary throughout. The present method of collecting fares at the western terminus of the line causes much delay which ought to be avoided. A separate order will be prepared upon this matter.

The cars running between West 23rd Street and Grand Central Station have been ordered discontinued because they were not largely patronized and because they materially interfered with the remainder of the traffic especially at 23rd Street and Fourth Avenue. With this change it will be possible to operate the required number of cars over the line.

(Signed) MILO R. MALTBY, Commissioner.

April 17th, 1908.

Commissioner Maltby thereupon moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 422).

In the Matter
of

The hearing on the Motion of the Commission on the Question of Improvement in and additions to the Service and Equipment of the New York City Railway Company, and of Adrian H. Joline and Douglas Robinson as receivers of the New York City Railway Company.
23rd Street Crosstown Line.

Under Order for Hearing made March 31, 1908.

This matter coming on upon the report of the hearing had herein on the 10th day of April, 1908, and it appearing that the said hearing was held by and pursuant to an order of this Commission, made March 31, 1908, and returnable on April 10, 1908, and that the said order was duly served upon the New York City Railway

Company and upon Adrian H. Joline and Douglas Robinson as receivers of the said New York City Railway Company, and that the said service was by them duly acknowledged and that the said hearing was held by and before the Commission on the matters in said order specified, on April 10, 1908, before Mr. Commissioner Maltbie, presiding, Arthur Du Bois, Esq., appearing for the Commission, and there being no appearance for the New York City Railway Company nor for Adrian H. Joline or Douglas Robinson as receivers of the New York City Railway Company.

Now, it being made to appear after the proceeding upon said hearing that the regulations and service of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson as receivers of the New York City Railway Company in respect to transportation of persons in the First District has been and is unreasonable, improper and inadequate in that the said New York City Railway Company and the said Adrian H. Joline and Douglas Robinson as receivers of the New York City Railway Company do not run cars enough or with sufficient frequency or on a reasonable time schedule reasonably to accommodate the passenger traffic transported by them or offered for transportation to them, and it appearing that changes and improvements in the regulations and service of the said Company and the said receivers as below set forth are such as are just, reasonable, adequate and proper and ought reasonably to be made in order to promote the convenience of the public,

Therefore, on motion of George S. Coleman, Esq., Counsel for the Commission, it is

Ordered,

That the service of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson its receivers on the 23rd Street Crosstown Line be increased, supplemented and changed in the following manner, that is to say:

1. By discontinuing the operation of all cars operated between the westerly end of 23rd Street and the Grand Central Station via 23rd Street and Fourth Avenue.

2. By operating daily including Sunday over every point on the 23rd Street Crosstown Line including the branch running to East 34th Street Ferry either

- (a) A sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day or night a number of seats at least ten per cent. in excess of the number of passengers at that point; the number of cars passing any point to be, however, never less than six (6) per hour in each direction; or

- (b) A minimum number of twenty-five (25) cars in one direction in each fifteen minute period in which the provisions of sub-division (a) above are not complied with.

And it is further Ordered, That this order shall take effect on April 27, 1908, and shall continue in force for a period of two years from and after taking effect of the same, but without prejudice to an order for further or additional hearing and action thereon by the Commission, in respect of anything herein prescribed or in

April 17, 1908.]

872

respect of anything covered by the order for hearing herein, prior to the expiration of said period of two years.

And it is further Ordered, That before April 23rd, 1908, the said New York City Railway Company and the said Adrian H. Joline and Douglas Robinson as receivers of the New York City Railway Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(28)

O-423

Commissioner Maltbie presented the following opinion:

In the Matter
of

The hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of said Company.

Lexington Avenue Line.

OPINION.

The Lexington Avenue line extends from the Battery to the Harlem River, running via Broadway to 23rd Street, East 23rd Street and Lexington Avenue. Not all of the cars used upon this line are operated between the extreme termini, certain ones being switched back at various points to accommodate the traffic. The order for the hearing related to the cars operated north of 23rd Street and Broadway, the consideration of the cars running south of 23rd Street upon Broadway being postponed until observations have been made for the other lines which run over the same tracks below 23rd Street.

The evidence presented at the hearings shows that the service is inadequate and that a larger number of cars should be operated. So far as the evidence goes, there is nothing to prevent a sufficient increase to accommodate the public except possibly upon the portion of the line between Lexington Avenue and Broadway where the Lexington Avenue cars run over the same tracks that are used by the 23rd Street Crosstown line. However the inspectors of the Commission have found that it is possible to operate 50 cars in a 15-minute interval in each direction upon 23rd Street between Lexington Avenue and Broadway. Dividing this maximum between the two lines using these tracks it would be possible for the Lexington Avenue line and the 23rd Street Crosstown line each to operate 25 cars in every 15-minute interval over the same tracks. I have directed that the order be so drawn as to establish this requirement.

[April 17, 1908.]

With the exception of the portion of the line just referred to, there is no limiting point upon the Lexington Avenue line. A much larger number of cars can be run north of 23rd Street and there is no reason known to me why the Receivers cannot run sufficient number of cars to provide adequate service throughout the day.

The general principles upon which the order relating to the Lexington Avenue line is drawn have been discussed in the Opinion upon the improvement of service on the 23rd Street Crosstown line and need not be repeated here.

April 17th, 1908.

(Signed) MILO R. MALTBYE, Commissioner.

Commissioner Maltbie thereupon moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 423).

In the Matter
of

The hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of said Company, in respect to the Lexington Avenue line.

Under Order for Hearing No. 405, dated
April 7, 1908.

This matter coming on upon the report of the hearing had herein on April 15, 1908, and it appearing that the said hearing was held pursuant to Hearing Order No. 405 of this Commission, dated April 7, 1908, and returnable on April 15, 1908, at 2:30 P. M., and it appearing that said order was duly served upon Messrs. Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company on the 8th day of April, 1908, and that said New York City Railway Company had due notice of said hearing, and that said hearing was had by and before the Commission on the matters embraced in said order for hearing on the 15th day of April, 1908, before Mr. Commissioner Maltbie presiding, Albert H. Walker, Esq., appearing for the Commission and no one appearing for said receivers or said Company, and proof having been taken upon said hearing, and it being made to appear after the proceedings upon said hearing that the service of said Railroad Company and of said Adrian H. Joline and Douglas Robinson, as Receivers of said Company, in respect to the transportation of persons upon its Lexington Avenue line, in the City and State of New York, is unreasonable, improper and inadequate in that the said New York City Railway Company and said Adrian H. Joline and Douglas Robinson, as Receivers of said Company, do not operate cars enough upon said line, or with sufficient frequency, or upon a reasonable time schedule reasonably to accommodate the passenger traffic transported by them or offered for transportation to them, and it appearing that it would be just, reasonable and proper that the said service of the said New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as its

Receivers, be increased, supplemented and changed in the particulars hereinafter set forth;

Therefore on motion of George S. Coleman, Esq., Counsel to the Commission, it is Ordered as follows:

(1) That said New York City Railway Company and said Adrian H. Joline and Douglas Robinson, as Receivers of said Company, be and they hereby are directed and required to operate daily, including Sunday, over every point on the Lexington Avenue line between 23rd Street and Broadway and the northerly terminus of the line, either

(a) A sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. in excess of the number of passengers at that point, the number of cars passing any point to be, however, never less than six per hour in each direction; or

(b) A minimum number of twenty-five cars in one direction in each fifteen minute period in which the provisions of subdivision (a) above are not complied with.

(2) That said New York City Railway Company and said Adrian H. Joline and Douglas Robinson, as Receivers of said Company, be and they hereby are directed and required to institute such changes, improvements and additions by or before the 1st day of May, 1908.

This order shall continue in force until such time as the Public Service Commission for the First District shall otherwise order.

(3) It is further Ordered, That said New York City Railway Company and said Adrian H. Joline and Douglas Robinson, as Receivers of said Company, notify the Public Service Commission for the First District, within five days after service of this order upon them, whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(29)

O-421

Commissioner Maltbie presented the following opinion:

In the Matter

of

The Hearing on the Motion of the Commission on the Question of Improvement in and Addition to the Service of the Dry Dock, East Broadway and Battery Railroad Company and of F. W. Whitridge, as Receiver of the said Company, in respect to the Grand Street Crosstown Line and in respect to the Grand and Desbrosses Line to Brooklyn.

OPINION.

The street car line affected by this case includes the cars operated from the Grand Street Ferry upon the East River, along Grand Street, and Vestry Street to the Des-

brosses Street Ferry. There is also a branch line running from the Desbrosses Street Ferry along Grand Street and via Essex or Clinton Street and the Williamsburg Bridge to the plaza at the easterly end of the bridge.

The evidence presented at the hearings shows that this line, including the branch to the Brooklyn Plaza of the Williamsburg Bridge, is one of the most congested lines that has been examined by the Transportation Bureau of the Commission. Indeed, at certain hours the overloading is more excessive than has been found upon any other line so far examined. The need, therefore, of improved service is extremely great and relief ought to be had immediately. Mr. Maher, who is manager of the road under Mr. F. W. Whitridge, the Receiver, has testified that the company does not have a sufficient number of cars to provide adequate service. A contract has been made for twenty-five (25) new cars for use upon this road, and delivery is expected about the first of May. It is perhaps impossible, therefore, to provide full relief before that date, and the order is to take effect then.

The requirements of the order in other respects follow the principles laid down in the order relating to the improvement of service on the 23rd Street line. In the opinion in that case, I discussed in a general way the principles involved and it is not necessary to repeat the statements there made, but they apply with equal force to the Grand Street line. It is considered that 15 cars in every 15-minute period will provide adequate service, but it may be that the number of passengers will so increase with the improved service that a larger number of cars must be run, but for the present I consider the maximum set sufficient. The general traffic conditions will not prevent more cars being run.

April 17th, 1908.

(Signed) MILO R. MALTBIE, Commissioner.

Commissioner Maltbie thereupon moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 421).

In the Matter
of

The Hearing on the Motion of the Commission on the question of Improvements in and Additions to the Service of the Dry Dock, East Broadway & Battery Railroad Company and of F. W. Whitridge as Receiver of the said company, in respect to the Grand Street Crosstown Line and in respect to the Grand and Desbrosses Line to Brooklyn.

Under Order for Hearing No. 397, dated April 3, 1908.

This matter coming on upon the report of the hearing had herein on April 13, 14 and 16, 1908, and it appearing that the said hearing was held pursuant to hearing order No. 397 of this Commission dated April 3, 1908, and returnable on April 13, 1908, at 2:30 P. M., and it appearing that said order was duly served upon said F. W. Whit-

ridge as Receiver of the Dry Dock, East Broadway & Battery Railroad Company on the 4th day of April, 1908, and that such service was by him duly acknowledged, and that said Dry Dock, East Broadway & Battery Railroad Company had due notice of said hearing and that said hearing was had by and before the Commission on the matters embraced in said order for hearing on the 13th, 14th and 16th days of April, 1908, before Mr. Commissioner Maltbie presiding, Harry M. Chamberlain, Esq., appearing for the Commission, Edward A. Maher, Esq., General Manager, appearing for said railroad company and for said Receiver, and proof having been taken upon said hearing, and it being made to appear after the proceedings on said hearing that the service of said railroad company and of said F. W. Whitridge, as Receiver of said company, in respect to the transportation of persons upon its lines, the Grand Street Crosstown Line and the Grand and Desbrosses Line to Brooklyn, in the City and State of New York, are unreasonable, improper and inadequate in that said Dry Dock, East Broadway & Battery Railroad Company and said F. W. Whitridge as Receiver of said company do not operate cars enough upon said lines or with sufficient frequency or upon a reasonable time schedule reasonably to accommodate the passenger traffic transported by them or offered for transportation to them, and it appearing that it would be just, reasonable and proper that the said service of the said Dry Dock, East Broadway & Battery Railroad Company and of F. W. Whitridge as its Receiver be increased, supplemented and changed in the particulars hereinafter set forth;

Therefore, On motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered as follows—

(1) That said Dry Dock, East Broadway & Battery Railroad Company and said F. W. Whitridge, as Receiver of said company, be and they hereby are directed and required to operate daily including Sunday over every point of said Grand Street Crosstown Line and said Grand and Desbrosses Line to Brooklyn, either

(a) a sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day or night a ten per cent. (10%) excess of seats over passengers at that point, the number of cars passing any point to be, however, never less than six (6) cars per hour in each direction; or

(b) a minimum number of fifteen (15) cars in one direction in each fifteen minute period in which the provisions of subdivision (a) above are not complied with.

(2) That said Dry Dock, East Broadway & Battery Railroad Company and said F. W. Whitridge as Receiver of said company be and they hereby are directed and required to run on said Grand Street Crosstown Line all westbound cars from Grand Street Ferry at least to Broadway, and all eastbound cars at least to the Ferry.

(3) That said Dry Dock, East Broadway & Battery Railroad Company and said F. W. Whitridge as Receiver of said company be and they hereby are directed and required to run on the Grand and Desbrosses Line to Brooklyn all west-bound cars from the Brooklyn end of the Williamsburg Bridge at least to Broadway, and all eastbound cars at least to the Brooklyn end of the Williamsburg Bridge.

(4) That said Dry Dock, East Broadway & Battery Railroad Company and said F. W. Whitridge as Receiver of said company be and they hereby are directed and required to institute such changes, improvements and additions by or before the 1st day of May, 1908.

This order shall continue in force until such time as the Public Service Commission for the First District shall otherwise order.

(5) It is further Ordered, That said Dry Dock, East Broadway & Battery Railroad Company and said F. W. Whitridge as Receiver of said company notify the Public Service Commission for the First District within five (5) days after service of this order upon them whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(30)

O-424

Commissioner Maltbie presented the following opinion:

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Addition to the Service of the Third Avenue Railroad Company, and of Frederick W. Whitridge as Receiver of said Company.

Third and Amsterdam Avenue line.

OPINION.

The Third and Amsterdam Avenue line extends from Ann Street and Broadway to Fort George via Park Row, the Bowery, Third Avenue, 125th Street, Manhattan Street and Amsterdam Avenue. Not all of the cars operated upon this line run between the two extreme termini; certain cars are regularly switched back at crossover points, which are so frequent as to permit of such routing as will most readily accommodate the travelling public.

North of Sixth Street there is no limiting point upon the whole line, and sufficient cars may be run to give everyone a seat except under unusual conditions. At Grand Street and the Bowery there are so many lines operating through this intersection, that it is physically impossible to increase materially the number of cars operated upon the Third Avenue line without diminishing the cars operated upon the other lines. Hence, the number of cars below Sixth Street may not be as great as the number in use above Sixth Street.

The testimony presented at the hearings shows that it would probably be necessary to operate 25 cars in each 15-minute period for certain portions of the day below Sixth Street if the passenger traffic were to be fully accommodated. But to do this would rob the other lines operating through Grand Street and the Bowery. I, therefore, recommend that the Third Avenue line be required to operate as a maximum only 12 cars in each 15-minute period south of Sixth Street, and the

order has been so drawn. The Transportation Bureau will continue its inspections and endeavor to work out some plan for a new routing of the cars or for a rearrangement of the traffic whereby the service may be still further increased upon the Third Avenue line, as well as the other lines crossing the Bowery at Grand Street.

There being no such limiting point above Sixth Street, the company has been required to operate the usual 10 per cent excess of seats over passengers; or, if unable to do so, at least 25 cars in every 15-minute interval. The evidence shows that if the order is complied with in spirit as well as in letter, the service will be greatly improved. At present the service is inadequate over most of the line and at times when there is no excuse for the crowding.

To comply with the provisions of the order, a larger number of cars will need to be used than have been operated heretofore. Mr. Maher, who is general manager of the line under Mr. Whitridge, the receiver, stated that with the cars that had been ordered and the open cars which could be used very shortly, there would be in his opinion a sufficient number to provide adequate service upon the line. He added that he was not absolutely certain of this and to definitely answer this question would require more investigation than he had yet made. Inasmuch as the Receiver can ask for a modification of the order or a rehearing in case it is found that he does not have a sufficient number of cars, I recommend that the order be made effective May 1st, by which time some open cars can be used. If he should find that there are not enough cars to give adequate service, one of the first things which ought to be considered is the ordering of more cars. The public is entitled to them, and if they are not ordered, this matter will doubtless need to be considered under a further order.

The general principles involved in this order have been discussed in the opinion upon the improvement of service on the 23rd Street line and need not be discussed here, although they apply with equal force.

April 17th, 1908.

(Signed) MILO R. MALTBIE, Commissioner.

Commissioner Maltbie thereupon moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 424).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Addition to the Service of the Third Avenue Railroad Company and of Frederick W. Whitridge, as Receiver of said Company, in respect to the Third Avenue and Amsterdam Avenue line.
Under Order for Hearing No. 404, dated April 7, 1908.

This matter coming on upon the report of the hearing had herein on April 16, 1908, and it appearing that the said hearing was held pursuant to Hearing Order 404

of this Commission, dated April 7, 1908, and returnable on April 16, 1908, at 2:30 p. m., and it appearing that said order was duly served upon said F. W. Whitridge as Receiver of the Third Avenue Railroad Company on the 8th day of April, 1908, and that said Third Avenue Railroad Company had due notice of said hearing, and that said hearing was had by and before the Commission on the matters embraced in said order for a hearing on the 16th day of April, 1908, before Mr. Commissioner Maltbie, presiding, Albert H. Walker, Esq., appearing for the Commission, Edward A. Maher, Esq., appearing for said Receiver, and proof having been taken upon said hearing, and it being made to appear after the proceedings on said hearing that the service of said Railroad Company and of said F. W. Whitridge as Receiver of said Company, in respect to the transportation of persons upon its Third Avenue and Amsterdam Avenue line in the City and State of New York, is unreasonable, improper and inadequate in that said Third Avenue Railroad Company and said F. W. Whitridge as Receiver of said Company do not operate cars enough upon said Third Avenue and Amsterdam Avenue line or with sufficient frequency or upon a reasonable time schedule reasonably to accommodate the passenger traffic transported by them or offered for transportation to them, and it appearing that it would be just, reasonable and proper that the said service of the said Third Avenue Railroad Company and F. W. Whitridge as Receiver of said company be increased, supplemented and changed in the particulars hereinafter set forth;

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, as follows: (1) That said Third Avenue Railroad Company and said F. W. Whitridge as Receiver of said company be, and they hereby are, directed and required to operate daily, including Sunday, over every point of the Third Avenue and Amsterdam Avenue line from the United States Post Office in Park Row to the northerly terminus of the line at or near 195th Street, either

(a) A sufficient number of cars in each direction past any point of observation to provide during every 15-minute period of the day or night a number of seats at least 10 per cent. in excess of the number of passengers at that point, the number of cars passing any point to be, however, never less than six per hour in each direction, or

(b) Over that portion of the above described line south of Sixth Street a minimum number of twelve cars in one direction in each 15-minute period in which the provisions of Sub-division (a) above are not complied with; and over that portion of the line above described north from Sixth Street a minimum number of twenty-five cars in one direction in each 15-minute period in which the provisions of Sub-division (a) above are not complied with.

(2) That said Third Avenue Railroad Company and said F. W. Whitridge as Receiver of said company be, and they hereby are, directed and required to institute such changes, improvements and additions by or before the 1st day of May, 1908.

April 17, 1908.]

880

This order shall continue in force until such time as the Public Service Commission for the First District shall otherwise order.

(3) It is further Ordered, That said Third Avenue Railroad Company and said F. W. Whitridge as Receiver of said company notify the Public Service Commission for the First District within five days after service of this order upon them whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(31)

The Secretary presented the following vouchers, the bills of which have been duly approved by Commissioner Bassett, as Committee on Audit, for the month of April, whereupon, on motion duly seconded, it was

Resolved: That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of the City of New York for payment:

Voucher No.	In Favor of.	Services or Material.	Amount.
968	American District Telegraph Co.	Messenger service, months Feb. and Mar., 1908, Bills Mar. 1, Apr. 1 (2), 1908.....	\$10.60
969	Ditmars-Kendig Co.....	Stationery supplies, Bill Apr. 6, 1908.....	16.00
970	C. Scott Forington.....	Lettering Doors, Bill Apr. 6, 1908.....	7.50
971	Ideal Ventilator Co.....	Ventilator, Bill Mar. 28, 1908.....	4.50
972	Initial Towel Supply Co....	Toilet service, Mar. 1 to Apr. 1, 1908.....	15.90
973	Knickerbocker Blue Print Co.	Blue prints, Bill Mar. 9, 1908.....	34.95
974	Ferdinand Kuster.....	Book binding, Bill Mar. 31, 1908.....	38.50
975	Kings County Jeffersonian Asso.	Rent, 4 Court Sq., Brooklyn, Quarter ending Mar. 31, 1908.....	264.00
976	Library Bureau.....	Furniture and stationery supplies, Bills Feb. 29, Mar. 17, 23, Apr. 3 (2), 1908.....	207.40
977	John R. MacNeille.....	Special work in the preparation of books and forms for accounts of the Commission, Bill April, 1908.....	300.00
978	August Muller.....	Janitor service, Month of March, 1908.....	8.00
979	William H. Miller.....	Janitor service, Month of March, 1908.....	26.00
980	New York Edison Co.....	Lighting from Feb. 18 to March 18, 1908.....	3.68
981	J. W. Pratt Co.....	Stationery, Bill March 31, 1908.....	25.00
982	Wm. G. Piguercn.....	Rent, 59 Pearl St., New York, month ending Apr. 30, 1908.....	148.16
983	Philip Prince.....	Janitor service, month ending Mar. 31, 1908....	15.00
984	John Schroder.....	Janitor service, month ending Mar. 31, 1908....	15.00
985	Reform Club.....	Books, Bill April 1, 1908.....	35.00
986	Marvyn Scudder.....	Expert accounting work in Interborough-Metropolitan Co. matter from Feb. 3 to March 31, 1908	725.54
987	Union Towel Supply.....	Toilet service, month of March, 1908.....	26.83
988	A. A. Weeks-Hoskins Co..	Furniture, Bills Mar. 14, Apr. 3, 7, 1908.....	215.00

Voucher No.	In Favor of.	Services or Material.	Amount.
989	George W. White.....	Rent, 323 Schermerhorn St., Brooklyn, month of March, 1908.....	32.00
990	Yawman & Erbe Mfg. Co...	Stationery, Bill April 6, 1908.....	7.80
Total.....			\$2,182.36
991	George N. Young.....	Services as clerk to Comrs. of Appraisal, Easements under Joralemon St., Bklyn, March 1 to Apr. 1, 1908.....	\$100.00

The following payrolls were approved by Commissioner McCarroll as Acting Chairman:

Voucher No.	In Favor of.	Services or Material.	Amount.
966	Gas Meter Testers.....	Week ending Apr. 15, 1908.....	\$60.75
967	Inspectors of Masonry.....	Week ending Apr. 15, 1908.....	1,549.89
Total.....			\$1,610.64

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

 TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, APRIL 21, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Commissioner Edward M. Bassett, Acting Chairman; Commissioners William McCarroll, Milo R. Maltbie, John E. Eustis.

(1)

On motion Commissioner Bassett was elected Acting Chairman.

(2)

3373

The Secretary presented a communication from the Comptroller, setting forth the procedure required for the legal filing of assignments of moneys due under contracts for public improvement, which was referred to the Counsel to the Commission.

(3)

O-410, 3369

The Secretary presented a communication from the Local Boards of the Borough of the Bronx, transmitting a resolution of the Local Board of Crotona, 24th District, recommending additional stairways at the 161st Street station of the Third Avenue elevated line, and a copy of a petition in favor of such action, with 143 names appended, all of which were referred to Commissioner Eustis.

(4)

2878

On motion, duly seconded, it was

Resolved, That the resignation of Grove V. Purchase, Junior Clerk, be accepted, to take effect as of April 20, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(5)

3343

The Secretary presented a communication from Barclay T. Kenyon declining appointment as Rodman, which was ordered filed.

(6)

O-425

Commissioner McCarroll presented the following order:

COMPLAINT ORDER (No. 425).

Thomas E. Hartman et al.,
Complainant,
against

Brooklyn Heights Railroad Company,
Defendant.

Order No. 425, for satisfaction or answer within ten (10) days, as to inadequate service on the Sixteenth Avenue line, Brooklyn, was approved, confirmed, and ordered filed in the office of the Commission.

(7)

2092

The Secretary presented a letter from Comptroller Metz in regard to certain buildings on the Canal Street portion of the Brooklyn Loop Lines at the southeast corner of the Bowery and Canal Street, stating that every effort was being made to force the destruction of the buildings already sold, but that several buildings in that locality had not been torn down previously, because they were somewhat affected by another condemnation proceeding. The letter was ordered filed.

(8)

O-426

Commissioner Eustis presented the following report:

Public Service Commission for the First District:

GENTLEMEN—In the matter of the complaint of the Board of Aldermen against the Interborough Rapid Transit Company for not running cars on the Second Avenue Elevated between the hours of 1:00 and 5:00 A. M., which was referred to me for investigation, I beg to report:

I have held a hearing upon this matter, and at that hearing no one representing the complainants appeared, notwithstanding they had due notice. The Railroad Company appeared by their Manager and Counsel, and the proof produced was in effect that very little, if any, travel exists along the line of the Second Avenue between the hours named, and that even during the hour between 12:00 and 1:00 few, if any, outsiders are carried along the line of Second Avenue, and as this section is only one block removed from Third Avenue, where an all night's service is maintained, it would seem an unnecessary service to require the Company to run trains on this line between 1:00 and 5:00 A. M., and especially so as no one was sufficiently interested to appear upon the hearing in support of the complaint.

I, therefore, recommend that the complaint be dismissed.

Dated, April 20th, 1908.

(Signed) J. E. EUSTIS, Commissioner.

Commissioner Eustis thereupon moved the adoption of the following order, which was duly seconded:

DISMISSAL ORDER (No. 426).

Board of Aldermen,
Complainant,
against
Interborough Rapid Transit Company,
Defendant.

Order No. 426, discontinuing proceedings upon Hearing Order No. 374, in the matter above mentioned, was approved, confirmed and ordered filed in the office of the Commission.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(9)

O-427

Commissioner Bassett moved the adoption of the following order, which was duly seconded:

FINAL ORDER (No. 427).

In the Matter
of

The hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service of the Nassau Electric Railroad Company.

Extension of Fifth Avenue Surface line in Brooklyn to Bay Ridge Avenue and 86th Street—Waiting Room at Bay Ridge and Fifth Avenue.

Under Order for Hearing No. 294, made February 28, 1908.

This matter coming on upon the report of the hearing had herein on the 12th day of March, 1908 and the adjournments thereof, and it appearing that the said hearing was held by and pursuant to an order for hearing No. 294, made the 28th day of February, 1908, and returnable on the 12th day of March, 1908, and that the said order No. 294 was duly served on the Nassau Electric Railroad Company and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on the 12th day of March, 1908, and by adjournment duly had on the 19th day of March, 1908, and by adjournment duly had on the 26th day of March, 1908, Mr. Commissioner Bassett presiding at each of said sessions, and Grosvenor H. Backus, Esq., appearing for the Commission, and Mr. Arthur N. Dutton, Superintendent of Transportation of the Nassau Electric Railroad Company, appearing for the Company,

Now, it being made to appear, after the proceeding upon said hearing, that it is just, reasonable and proper that the Nassau Electric Railroad Company should be directed to make the changes in its regulation, practices and service, its equipment,

appliances and tracks, which are hereinafter specified, in order to promote the convenience of the public,

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, (1) That on and after the 1st day of May, 1908, the Nassau Electric Railroad Company operate through to Bay Ridge Avenue all cars on its Fifth Avenue line, which have heretofore terminated their southerly run at 60th Street.

(2) That on or before the 1st day of June, 1908, said Company place an additional cross-over at the junction of Bay Ridge Avenue and Fifth Avenue.

And it is further

Ordered, That this order shall take effect immediately, and shall remain in force until modified by the further order of this Commission, but shall be without prejudice to the right of the Commission to make any further order or orders for additional hearings upon any of the matters specified in said order for hearing No. 294, made on the 28th day of February, 1908. And it is further

Ordered, That within five days after service upon it of this order, said Nassau Electric Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(10)

O-428

Commissioner Eustis moved the adoption of the following order, which was duly seconded.

HEARING ORDER (No. 428).

In the Matter
of

The hearing on motion of the Commission on the question of improvements in and additions to the service and equipment of the Pelham Park Railroad Company and the City Island Railroad Company.

Bartow's Station to Belden Point.

It is hereby

Ordered, That a hearing be had on the 7th day of May, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City and State of New York, to inquire whether the regulations, practices, equipment, and appliances of the Pelham Park Railroad Company and the City Island Railroad Company in respect to transportation of persons and property within the First District between Bartow's Station, on the Harlem River Division of the New York, New Haven, and Hartford Railroad, and Belden Point, on City Island, are unsafe, improper or inadequate, and whether changes, improvements and additions thereto ought reason-

ably to be made in the manner below set forth, in order to promote the security or convenience of the public or employees, or in order to secure adequate service and facilities for the transportation of passengers and property, and if such be found to be the fact, then to determine whether a change, addition, and improvement of regulations, equipment, and appliances and service of said Company, as hereinafter set forth, is such as would be just, reasonable, safe, adequate and proper and ought reasonably to be made to promote the security and convenience of the public or employees, or in order to secure adequate service or facilities for the transportation of passengers and property; that is to say:

1. That the said Pelham Park Railroad Company and City Island Railroad Company be directed to overhaul and repair each car owned and operated by them, so that when completed they shall be in first-class condition.

2. That the said Railroad Companies be directed to provide themselves with a sufficient additional number of cars to enable them to meet the maximum traffic demands upon their Pelham Park to City Island route during the summer months.

3. That the said Railroad Companies be directed to resurface their tracks between Bartow's Station and Belden Point above mentioned.

And if any such changes, improvements and additions be found to be such as ought to be made as aforesaid, then to determine what period would be a reasonable time within which the same should be directed and executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Pelham Park Railroad Company and the City Island Railroad Company be given at least ten days' notice of such hearing by service upon them, either personally or by mail, of a certified copy of this order, and that at such hearing said companies be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(11)

O-429

Commissioner McCarroll moved the adoption of the following order, which was duly seconded:

FINAL ORDER (No. 429).

In the Matter

of

The hearing on the Motion of the Commission as to the Regulations, Practices, Equipment and Service of the Long Island Railroad Company, in the respects hereinafter mentioned.

Under Order for Rehearing, No. 193, made January 8, 1908.

This matter coming on upon the report of the rehearing under Order Number 181, and it appearing that said rehearing was held by and pursuant to an order of this

Commission Number 193, dated the 8th day of January, 1908, and returnable on the 21st day of January, 1908, and that the said Order Number 193 was duly served upon the Long Island Railroad Company, and that the said service was by it duly acknowledged, and that the said rehearing was held by and before the Commission on the matters in said order for rehearing specified on the 21st day of January, 1908, Mr. Commissioner McCarroll presiding and Grosvenor H. Backus, Esq., Assistant Counsel, appearing for the Commission, and Joseph F. Keany, Esq., appearing for said Long Island Railroad Company, and proof being taken;

Now, after the proceedings upon said rehearing, and after consideration of the facts including those arising since the making of said Order Number 181, and the Commission being of the opinion that the original Order Number 181 for the improvement in and additions to the service of the Long Island Railroad Company should be changed and modified in certain particulars;

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That Order Number 181 issued on the 31st day of December, 1907, and directed to the improvement in and additions to the service of the Long Island Railroad Company be and the same is hereby changed and modified to read as follows:

STATE OF NEW YORK, PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

In the Matter
of

The hearing on the Motion of the Commission as to the Regulations, Practices, Equipment and Service of the Long Island Railroad Company, in the respects hereinafter mentioned.

Under Order for Hearing No. 100, made November 20, 1907.

Order for Rehearing No. 193, made January 8, 1908.

This matter coming on upon the report of the hearing had herein on the 2nd day of December, 1907, and it appearing that the said hearing was held by and pursuant to an order of this Commission Number 100 made November 20, 1907, and returnable on the 2nd day of December, 1907, and that the said order was duly served upon the Long Island Railroad Company, and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on the 2nd day of December, 1907, and by adjournment duly had on the 16th day of December, 1907, and at each of said sessions Mr. Commissioner McCarroll presiding, and proof being taken, and Grosvenor H. Backus, Esq., Assistant Counsel, appearing for the Commission at each of said sessions, and Joseph F. Keany, Esq., appearing for the said Long Island Railroad Company;

Now, the Commission being of the opinion that after the proceedings upon the said hearing the service of the Long Island Railroad Company in the transportation

of persons in the First District on its lines operating between Long Island City and East New York has been and is unreasonable and inadequate in that said company does not operate enough trains between Long Island City and East New York reasonably to accommodate the traffic offered for transportation to said company, and the Commission being of the opinion after said proceedings that it is reasonably necessary for the accommodation and transportation of passengers offering themselves for transportation, and is and will be just, reasonable and proper that the said service of the said Long Island Railroad Company on said line between Long Island City and East New York should be supplemented and changed in the particulars hereinafter set forth, upon the lines, at the points and at the times so hereinafter set forth;

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the service of the Long Island Railroad Company on its line between Long Island City and East New York be supplemented and changed as follows:

That in addition to the service now operated by said railroad company over its Manhattan Beach Division, said company operate a train from East New York to Long Island City which shall leave East New York, between 7:00 A. M. and 7:10 A. M., daily except Sundays, and that said train shall stop regularly at the Bushwick Avenue, Cypress Avenue and Myrtle Avenue Stations on said Manhattan Beach Divisions of said Long Island Railroad Company.

And it is further Ordered, That said Long Island Railroad Company, pending the adoption of its summer schedule for the season of 1908, shall cause the train scheduled to leave Long Island City at 5:35 P. M. to stop regularly at the Bushwick Avenue, Cypress Avenue and Myrtle Avenue Stations on said Manhattan Beach Division of said Long Island Railroad Company; and that upon and after the adoption of said summer schedule of 1908 said company shall operate a train leaving Long Island City between 6:00 P. M. and 6:15 P. M., daily except Sundays, which shall stop at said Bushwick Avenue, Cypress Avenue and Myrtle Avenue Stations on the Manhattan Beach Division of said company.

And it is further Ordered, That this order shall take effect on the 28th day of May, 1908, and shall remain in effect until modified by the further order of this Commission.

And it is further Ordered, That on or before the 30th day of April, 1908, the Long Island Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(12)

Sec.

On motion, duly seconded, it was

Resolved, That a committee of one be appointed to investigate the grade crossing accident which occurred at 7:30 p. m., April 20th at 86th Street and 18th Avenue, Brooklyn.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair thereupon appointed Commissioner McCarroll as such committee.

(13)

1029

Commissioner Bassett presented the following report, which was approved and ordered filed:

REPORT ON SURFACE CAR CONGESTION ON BROOKLYN BRIDGE.

When the Commission began its duties on July 1st, 1907, one of the most aggravating conditions discovered was the slow movement of surface cars on Brooklyn Bridge, especially in the rush hours. Investigations showed the delays to be caused by frequent stoppages due to trouble from motors, fuses, poles and controllers. Another source of delay came from overloaded trucks, which especially in the evening would become stalled on the grade. During the month of September there were 234 delays, amounting to 1060 minutes, or an average daily delay of 35 minutes. The cars of the Coney Island and Brooklyn Railroad Company were largely responsible for the delays due to failures of equipment. The number and kind of delays charged against this road for September 1907 were:

Motors	49
Fuses	65
Poles	5
Controllers	17
All others	11
Total.....	<u>147</u>

The Commission assisted this road in discovering the causes of these numerous delays, issued orders regarding repairs, maintenance and new cars and the result has been quite satisfactory. From time to time the delays decreased, as can be seen by the following schedule showing the number of delays caused by this road on the Brooklyn Bridge each month since that time:

September	October	November	December	January	February	March
147	91	67	49	27	25	15

The time of delays in minutes for the same period is shown to be:

September	October	November	December	January	February	March
621	400	280	203	119	100	54

The delays of the Brooklyn Rapid Transit lines were comparatively low, but they too have been reduced.

April 21, 1908.]

890

At the request of the Commission the Bridge Department put in force a rule prohibiting the use of the bridge for heavily loaded trucks during the rush hours. Other improvements made by the Bridge Department have assisted in bringing about the objects desired by the Commission. The result has been that the time of delays has been reduced from 1060 minutes in September to 385 minutes in March. During the month of March 133,000 surface cars crossed the bridge, being an increase of 11,000 over the preceding September, which means that about 396,000 more seats were provided in March than in September. The average number of surface cars passing over the bridge in September in the evening rush hour was 288. In March this average was increased to 310.

At this time one year ago the largest daily number of surface cars that crossed the bridge was approximately 4,000. To-day it is approximately 4,700, an increase of $17\frac{1}{2}$ per cent. At this time a year ago the average number of surface cars crossing the bridge between five and six p. m. was 236. To-day it is 310, an increase of $33\frac{1}{3}$ per cent.

Respectfully submitted,

E. M. BASSETT, Commissioner.

April 20, 1908.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

THURSDAY, APRIL 23, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

O-315

Chairman Willcox laid before the Commission a report and order in regard to the application of the Interborough Rapid Transit Company, and on motion, duly seconded, the report was adopted as the report of the Commission and ordered printed in its proceedings. The report was as follows:

In the Matter
of

The Petition of the Interborough Rapid Transit Company for Leave to Execute a Mortgage for \$55,000,000 to Secure the Payment of Bonds and Notes as hereinafter recited.

CHAIRMAN WILLCOX—The petitioner is a railroad corporation duly incorporated under the Railroad Law, pursuant to the provisions of Chapter 544 of the Laws of 1902, being an act entitled "An Act to amend Chapter four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide for rapid transit railways in cities of over one million inhabitants.'" The incorporation of the petitioner was duly approved by the Board of Rapid Transit Railroad Commissioners in and for the City of New York, pursuant to the provisions of the said statute and the amendments thereof, and the Company was organized for the purpose of undertaking the construction and operation (including the equipment thereof) of a rapid transit railroad in the City of New York, then in process of construction under contract theretofore made between the said City, by the Board of Rapid Transit Commissioners, and one John B. McDonald, dated February 21, 1900, pursuant to the provisions of said Chapter 4 of the Laws of 1891 and the amendments thereof.

(29)

[Form 2026]

[1 M (B)]

The petitioner is the lessee of, and is now operating, the lines of "Subway" railroad, extending from the City Hall in the Borough of Manhattan northwardly to 104th Street and Broadway, and thence dividing into two lines, one running north on the west side to Kingsbridge, the other running easterly to Bronx Park, as well as the Subway running southerly from the City Hall in Manhattan to the Battery and thence to the Long Island Railroad station at Flatbush and Atlantic Avenues, in the Borough of Brooklyn, which latter line is now in operation between the City Hall in the Borough of Manhattan and the Borough Hall in the Borough of Brooklyn.

The petitioner is also engaged in the operation of the entire elevated railroad system in the Boroughs of Manhattan and The Bronx belonging to the Manhattan Railway Company, under lease to it duly executed by the said Manhattan Railway Company dated January 1, 1903.

The petitioner requested authority to execute a mortgage of all of its real estate and all of its interest as lessee of the rapid transit railroads above referred to, derived by assignment from John B. McDonald and the Rapid Transit Subway Construction Company, respectively, and the other property described in its proposed mortgage, a tentative form of which was submitted with its petition.

The purpose of the proposed mortgage was to secure an issue of not to exceed \$55,000,000 face value of the Company's 45 year gold mortgage bonds, to be dated as of November 1, 1907, to be payable November 1, 1952, with interest at a rate to be fixed by the Board of Directors of the Company from time to time, payable semi-annually on the 1st days of May and November in each year, both principal and interest to be payable in United States gold coin without deduction for tax, such bonds to be entitled to the benefit of and to be subject to purchase at 110 per cent. and accrued interest through the operations of a sinking fund of \$300,000 per annum, beginning November 1, 1910. The petitioner further requested that the said bonds be subject to payment and cancellation at its option, on any interest day, in amounts not less than \$1,000,000 face value, at 110 per cent. and accrued interest.

The petition then proceeded to set out the financial condition of the petitioner, its outstanding capital stock, the amount of dividends heretofore declared by it, its outstanding indebtedness, funded and unfunded, together with accounts payable to reimburse operating and income accounts for expenditures for capital purposes, aggregating \$35,352,726.11.

The petitioner proved that in addition to the foregoing requirements, it would, on or before the 1st of July next, become indebted to the Subway Construction Company as hereinafter more fully set out, in the sum of approximately \$3,770,000.

The petition further described the railroads and their equipment, and recited that the latter, as the same appeared on its books as of December 31, 1907, cost the petitioner the sum of \$26,036,641.91.

The petitioner proposed to include in the said mortgage—

1. All its leasehold interest in the Subway railroads in the City of New York assigned to it,—first by John B. McDonald; second, by the Rapid Transit Subway Construction Company—together with all of the equipment provided in connection with said rapid transit railways, pursuant to the contracts with the City of New York relating thereto;

2. All other real estate owned by it in the City of New York;

3. 18,140 shares of the capital stock of the Subway Realty Company (out of a total authorized and issued capital of 20,000 shares) of the par value of \$100 each;

4. 32,048 shares of the capital stock of New York & Queens County Railway Company (out of a total issued capital of 32,350 shares) of the par value of \$100 each;

5. 2,500 shares of the preferred stock and 7,360 shares of the common stock, each of the par value of \$50, and \$500,000 in first mortgage bonds of the New York & Long Island Traction Company, constituting one-half of the outstanding stock and bonds of said Company;

6. 3,000 shares of stock of the par value of \$100 each, and \$300,000 first mortgage bonds of Long Island Electric Company, being one-half of the outstanding stock and bonds of said Company.

That the purposes for which bonds are proposed to be issued under the mortgage are as follows:

(a) \$18,000,000 to provide for the purchase or retirement of the \$15,000,000 face value four per cent. three year gold notes of the Company maturing May 1, 1908.

(b) \$12,000,000 to provide for the purchase or retirement of the \$10,000,000 face value three year five per cent. gold notes maturing March 1, 1910. (Provision was made for the event of an extension of either of said issues of gold notes by depositing as collateral security for the payment thereof the amount of bonds so reserved with respect to each of said issues.)

(c) The remainder to be issued from time to time only for the purposes enumerated in section 7 of Article II of the trust deed (conforming to the restrictions with respect to the voting or consenting power of the stock of Interborough Rapid Transit Company pledged thereunder in the trust agreement between Interborough-Metropolitan Company and Morton Trust Company, as Trustee, dated March 5, 1906), being briefly, to pay for construction or acquisition of or improvements, betterments, additions to, extensions of or in payment for lines of rapid transit railway in the City of New York and other lines of railway of any character in said City owned or leased by a corporation at least ninety per cent. of whose stock is owned by Interborough Company, or to fund or refund the indebtedness of said company contracted for one or more of said purposes, or indebtedness of any other company assumed or guaranteed by Interborough Company and contracted for one of said purposes. Bonds issued under said section 7 were to be authenticated and delivered from time to time

only upon proof of facts authorizing such issue, and except when used to reimburse the company for expenditures incurred for one or more of the authorized purposes, or to fund or refund its indebtedness, proceeds of sale were to be deposited with the Trustee and applied only to the purposes authorized and upon proof made as provided in said section 7.

The petitioner prayed for authority to at once issue the following amounts of bonds of the said total proposed issue, viz.:

(a) For the purpose of securing the payment or extension of the said four per cent. three year gold notes maturing May 1, 1908, \$18,000,000.

(b) For the purpose of refunding other indebtedness of Interborough Company (time and demand loans and amounts payable) incurred for one or more of the purposes in section 7 of Article II of the mortgage specified, \$12,000,000.

The said mortgage had been authorized by the Board of Directors of Interborough Rapid Transit Company and a special meeting of the stockholders had been called to be held March 28th, 1908, for the purpose of considering and acting upon the proposition to issue said bonds, and to authorize and consent to said mortgage.

The petition further showed that 339,128 shares of the petitioner's capital stock was owned by the Interborough-Metropolitan Company, a domestic business corporation, and pledged to the Windsor Trust Company to secure an issue of \$70,000,000 of the 4½ per cent. bonds of the said Interborough-Metropolitan Company, and that the Windsor Trust Company, Trustee, as the holder of 339,128 shares of the stock of the petitioner, had executed a proxy in favor of nominees of said Interborough-Metropolitan Company to vote upon the said stock at said special meeting, and the petitioner had filed with the Board a duplicate original of said proxy.

The petitioner further showed that \$30,000,000 face value of the bonds proposed to be issued as aforesaid were to be used as follows, viz.: \$18,000,000 face value for the purpose of refunding or securing the extension of time of payment of its said \$15,000,000 face value of gold notes which mature May 1, 1908, as above mentioned, and that \$12,000,000 face value of said bonds were to be employed for the purpose of discharging or refunding its above mentioned current unsecured obligations, aggregating the sum of \$10,352,726.11. That these obligations were principally incurred to raise moneys for the equipment of the subways; to meet the excess cost of the construction of the Brooklyn extension of the subway over the amounts payable by the City of New York, and to reimburse the petitioner for amounts advanced for such purposes.

The petitioner further showed that no contract had yet been made for the sale of said bonds.

The petitioner further showed that it had not yet concluded negotiations for the payment or extension of its said four per cent. three year gold notes, maturing May 1, 1908, nor for the sale of the new bonds to meet its above mentioned current obligations, and it might be found necessary that the petitioner should issue its promissory

notes in extension of the said four per cent. three year gold notes and secure the payment of such extended notes by the pledge of the \$18,000,000 face value of bonds reserved for that purpose in the proposed new mortgage, and also to issue and sell its promissory notes secured by the pledge of the new bonds, to an amount, face value, of not exceeding twenty per cent. of said notes, to provide funds to meet its above mentioned current unsecured obligations.

The petitioner, therefore, also prayed that the Commission at this time approve the issue of its promissory notes to an amount not exceeding in all the sum of \$25,000,000 face value, to be dated May 1, 1908, to be payable not exceeding three years from date, with interest payable semi-annually at such rate as may be agreed upon by the petitioner's Board of Directors, not exceeding six per cent. per annum, secured by the pledge of not exceeding \$30,000,000 face value of the said proposed new mortgage bonds, issued in accordance with the provisions of the above mentioned proposed mortgage, a tentative form of which was submitted to the Commission for its consideration and approval or amendment.

The petitioner further prayed that the Commission, as the successor to the Board of Rapid Transit Railroad Commissioners in the City of New York, and pursuant to the terms of the contracts for the construction, maintenance and operation of said railroads, respectively, consent to the mortgage of the leases of the Subway rapid transit railroads from the City of New York assigned to the petitioner as aforesaid.

Upon filing the said petition the Public Service Commission, by order dated March 6, 1908, directed that the same be heard on Monday, March 16, 1908, at 2.30 o'clock in the afternoon, at the office of the Commission, and that the petitioner be required to publish a notice of said application and the time and place of said hearing, in the manner and as provided in said order; and the petitioner did thereupon cause notice of said application and the said time and place of hearing to be published, in pursuance of such order, and did file the proof thereof with the Secretary of the said Commission before the opening of the said hearing.

Such hearing was had before the full Commission,—Present—Commissioners Willcox, McCarroll, Bassett, Maltbie and Eustis—and continued from time to time before Commissioner Willcox, as sitting Commissioner.

The petitioner appeared by George W. Wickersham, Esq., of counsel, and there also appeared in behalf of the Commission George S. Coleman, Esq., General Counsel, and William M. Ivins, Esq., Special Counsel.

There also appeared the Continental Securities Company, a stockholder, by Clarence H. Venner, its President, who opposed the application; and Hon. Thomas L. Feitner, as the holder of bonds of the Interborough-Metropolitan Company secured by the pledge of stock of Interborough Rapid Transit Company under a Trust Indenture dated March 5, 1906; and Andrew Shiland, holder of 100 shares of petitioner's stock.

Under the terms and provisions of an order dated July 18, 1907, Special Counsel to the Commission, with the aid of accountants appointed for that purpose, had been conducting a preparatory investigation of the financial affairs of the Company, with the result that accountants and counsel were prepared to present to the Commission at these hearings documentary and oral evidence as to the financial history and present condition of the petitioner.

The filing of the petition herein opened up a field of inquiry which made it necessary to conclude the investigation under the order of July 18, 1907, so far as concerned the petitioner, and in this proceeding the Commission has examined into the general condition of the petitioner, its capitalization, its franchises and the manner in which its leased, controlled and operated lines are conducted and the use of the capital proposed to be secured by the issue of the proposed bonds and notes. For these purposes the Commission has made and concluded such inquiry or investigation, held such hearings and examined such witnesses, books, papers, documents and contracts as it has deemed to be of importance in enabling it to reach its determination. The accountants employed by the Commission have examined the books, accounts and vouchers of the petitioner, and have analyzed the equipment account down to December 31, 1907, and all of the important and material vouchers. As a result of such examination various items aggregating \$1,437,102.64 which were charged in equipment account, including discount on notes, lawyers' fees, etc., have been taken out of equipment account and charged in a separate account, entitled "Contractors' Expense Account," and sundry other changes made, resulting in a revised balance sheet of the petitioner as of December 31, 1907, which has been filed with the Commission.

The general plan sought to be put into execution by the issue of the mortgage and the securities proposed thereunder, the character of the bonds, the character of the proposed short time notes, the use to which the bonds are to be put as collateral security for the notes, the power of redemption, etc., may be summarized as follows: That for \$15,000,000 of notes and \$10,000,000 of the unfunded debt there shall be issued \$25,000,000 of three year 6 per cent. gold notes of the Company, redeemable on any interest day at par and interest. That these notes shall be secured by the issue under the mortgage, and the pledge, pursuant to a trust agreement the tentative form of which has been submitted to this Commission, of the bonds of the proposed new issue, bearing interest at such rate as may be determined upon by the Board of Directors of the Company not to exceed 5 per cent. per annum, to the aggregate face amount of \$30,000,000, it being provided in the said trust agreement that so many of said bonds so pledged as collateral as may not be required to retire the said note issue shall be cancelled and thereafter treated as though never issued under the mortgage, when the said note issue shall have been fully paid or otherwise retired. Certain of the original provisions of the tentative mortgage have been so changed and amended as to cover the foregoing summary of the provisions thereof.

The proposed mortgage contains provisions for a sinking fund of not less than \$300,000 per annum, payable annually commencing November 1, 1910, to be applied,

first to the purchase of bonds outstanding secured by the mortgage, at the lowest price at which the same shall be tendered to the Trustee after due public notice, not exceeding that at which they may be compulsorily purchased, and second to the compulsory purchase for the sinking fund, after drawing by lot, by the application of so much of said annual sinking fund payment as may not be used for purchase of bonds voluntarily tendered as aforesaid, at a price to be presently mentioned; all bonds purchased for the sinking fund to be stamped as irrevocably belonging to the sinking fund and not subject to re-issue, but to be kept alive for the purpose of earning interest to augment the annual sinking fund payment. All bonds purchased for redemption for purposes other than the sinking fund to be cancelled. The proposed price at which bonds are to be subject to compulsory purchase for the sinking fund in the tentative mortgage submitted is fixed at 105% per cent.

According to the statements submitted by the Auditor of the Company, a sinking fund payment of \$300,000 per annum, payable annually, and applied to the purchase of 5 per cent. bonds to be kept alive for the purpose of augmenting the sinking fund payments by annual interest accretions would, if invested in bonds at 105% per cent., retire \$30,000,000 face value of bonds in 38 years, and \$55,000,000 of bonds in 50 years, and would be still more adequate in the event of the redemption or retirement of the bonds being made on the basis of 105 per cent., and of course if applied to the purchase of bonds at less than either of the two figures named would to that extent accelerate the ultimate retirement of the entire bond issue.

The Petitioner's Existing Indebtedness.

The present obligations of the Company are:

1. \$15,000,000, 4 per cent. three year gold notes which mature May 1, 1908.
2. \$10,000,000, 5 per cent. three year gold notes which mature March 1, 1910.
3. Promissory notes aggregating \$6,250,172.55 payable on demand or not later than June 23, 1908, \$600,000 of which bear interest at the rate of 4½ per cent. per annum and the remainder at the rate of 6 per cent.
4. Accounts Payable to reimburse operating and income accounts for expenditures for capital purposes, as of January 1, 1908, \$5,232,553.56.

Taking these items up in their order, it may be said:

The 1st calls for no especial comment. The obligations mature with the expiration of the present month, and the Company will be in default thereon unless it is able to secure an extension of the specific indebtedness, or to fund such indebtedness by an issue of new obligations, for leave to issue which the pending application was made.

2. Provision has already been made for the security of this issue of \$10,000,000 gold notes by the terms of a trust agreement between the petitioner and the Morton Trust Company dated March 1, 1907, which provides as follows:

"8. That in case the Company shall mortgage its leasehold interests in the said rapid transit railroads or in the said Manhattan Railway, or pledge any of the capital

stock of Rapid Transit Subway Construction Company, New York & Queens County Railway Company, New York & Long Island Traction Company, or Long Island Electric Company, or of any successor or successors of said Companies, owned by it, prior to the payment of all of the notes issued hereunder, such mortgage or pledge shall be in part for the benefit and security of the holders of said notes and coupons, and shall expressly provide that said notes and coupons shall have a lien upon the premises and property so mortgaged or pledged, equal to the lien of any other obligations of the Company which may be secured thereby."

Inasmuch as most of the properties described in the above quoted paragraph of the said trust agreement are to be pledged under the proposed mortgage, and as the said \$10,000,000 of notes have still nearly two years to run, it has evidently not been deemed necessary by the petitioner to ask leave at this time to issue bonds under the proposed mortgage with which to redeem the said \$10,000,000 of 5 per cent. gold notes; but it has been necessary to provide for the protection of these notes under the lien of the mortgage, so that the mortgage will not only, immediately upon its execution, become security for the payment of the proposed new issue of bonds, but as well for the payment of the \$10,000,000 5 per cent. gold notes which are not presently sought to be refunded.

Among the assets of the petitioner there is an item of about \$4,000,000, known as the Manhattan Railway Guaranty Fund, which consists of an investment in securities, a list of which constitutes a part of the record on this application, aggregating a par value of \$4,993,000, and a market value as of the quotations of April 6, 1908, of \$4,124,724. This Guaranty Fund (subject to the requirements of the Manhattan lease) has been pledged for the payment not only of item No. 1, namely, the \$15,000,000 of 4 per cent. gold notes, but also of item No. 2 now under consideration. The redemption of the \$15,000,000 of 4 per cent. gold notes by the proceeds of the proposed issue of bonds, and the use to which the same are to be put, will result in relieving such Guaranty Fund of the lien of the \$15,000,000 of 4 per cent. gold notes, and will leave the same attributable solely to the pledge to secure the payment of the \$10,000,000 5 per cent. gold notes, to which I am now referring, so soon as the fund shall have been discharged from the pledge under which it is now held in conformity with the terms of the lease from the Manhattan Railway Company to the Interborough Rapid Transit Company. This discharge will occur on the 1st of July, 1909, provided the covenants of the lessee under the terms of said lease shall have been faithfully kept, and the said lessee shall have continued to pay dividends at a rate of not less than 4 per cent. per annum upon all of its capital stock. As appears by the petition, dividends have been paid as follows:

For the calendar year 1904.....	5%
For the calendar year 1905.....	7 $\frac{1}{4}$ %
For the calendar year 1906.....	8 $\frac{1}{4}$ %
For the calendar year 1907.....	9%

It will be apparent from the foregoing why the petitioner has not included the Guaranty Fund in the mortgaged property. If hereafter it makes an application to this Commission for leave to issue bonds under the terms of the proposed mortgage, with which to secure funds for the redemption of the said \$10,000,000 of 5 per cent. gold notes at maturity, the leave of the Commission to make such an issue for such purpose can be conditioned upon the application in the first instance of the proceeds of the Guaranty Fund, assuming that the same shall have been discharged of its present obligations, to the redemption of the amount of new bonds necessary to be issued in order to redeem the said \$10,000,000 of gold notes.

3. The item of \$6,250,172.55 of outstanding indebtedness represented by promissory notes, calls for no comment at this time. The list as set out in the record of the hearing of April 7th shows sufficiently in detail what these notes are, and there is no question as to the fact that they were issued for and represent value, and that their proceeds were devoted to the necessary, proper and legitimate business of the Company.

4. The item of Accounts Payable to reimburse operating and income accounts for expenditures for capital purposes, to the amount of \$5,232,553.56, has been explained under oath by the Auditor of the Company. It appears that the capital of the Company has been inadequate for the purpose of meeting all of the necessary expenditures for capital purposes, and that in order to meet the same it has been necessary to avail of the Company's credit; that such credit, however, has not been availed of to the extent of enabling the Company to meet all of its capital expenditures from the use of such credit, and that it has been necessary for the Company to draw upon its operating receipts for capital purposes. The capital account thus becomes indebted to the operating account, and the petitioner now asks leave to include in the bonds and notes sought to be issued, as by the terms of the petition, an amount sufficient to provide for the payment not only of outstanding accounts payable to third parties for labor, material, supplies and other matters incident to the operation and maintenance of the road, aggregating \$1,769,869.62, but also to enable the capital account to restore to operating account the sum of \$3,462,683.94 which will enable the operating account in turn to meet other charges now due and payable by it, among others the pending indebtedness of the Company for taxes, properly payable out of operating receipts, but not yet paid because of litigation and in view of the fact that it has been found necessary to utilize the operating receipts for capital purposes as aforesaid.

It is however not necessary to pass upon this point at the present time in view of the fact that it is also estimated that the Brooklyn extension of the Subway will cost the Interborough Rapid Transit Company, over and above what is paid on account of construction by the City, \$9,696,057, of which the Interborough has already paid over to the Construction Company \$2,624,910, and has loaned to the Construction Company and which will be applicable to this purpose, \$3,300,000, leaving still to be paid by the Interborough as a minimum obligation, the sum of \$3,771,147.

The foregoing facts summarize and reflect all of the evidence and testimony with regard to the indebtedness of the Company as bearing on, to quote the phraseology of Section 55 of the Public Service Commissions Law, "the use of the capital to be secured by the issue of such stock, bonds, notes, or other evidences of indebtedness reasonably required for the purposes of the corporation."

The Petitioner's Available Assets.

So far as concerns the petitioner's assets, the situation may be summarized as follows:

It has disposable, for the purposes of the proposed mortgage:

1. The leases from the City of New York of the municipally owned subways.
2. The lease of the Manhattan Railway.
3. The Equipment of the Subway Division.
4. Stock and bonds of the following Companies:
New York & Queens County Railway Company,
New York & Long Island Traction Company, and
Long Island Electric Railway Company,

of an aggregate cost of \$4,251,443.38, as set out in the petition.

5. 28,000 out of 50,000 shares of the New York City Interborough Railway Company.

6. 18,140 shares of the capital stock of the Subway Realty Company out of a total of 20,000 shares, costing the petitioner \$2,106,265.84, and an open account of \$942,122.72 for moneys advanced to said Company by the petitioner.

7. The entire capital stock of a par value of \$6,000,000 of the Rapid Transit Subway Construction Company, for which the petitioner has paid in cash and stock \$12,000,000, as shown by the balance sheet of December 31, 1907.

8. 985 shares of the capital stock of the New York & Long Island Railway Company, for which the petitioner paid, as appears from the record, \$402,035.17.

9. There are other items of assets, which for the purpose of the Commission upon this application I regard as negligible at this time.

I postpone for the present the consideration of the values of (1) the leases of the Subway and (2) the lease of the Manhattan Railway, inasmuch as the determination of the present value of these leases calculated upon present net earnings involves the consideration of the net earning capacity of the properties as a whole and petitioner's ability to meet the obligations, either now existing or sought to be incurred. I now, therefore, first consider more in detail the value of the properties above enumerated.

A—Long Island Railroads—With respect to the New York & Queens County Railway Company, the New York & Long Island Traction Company, and the Long Island Electric Railway Company—the three principal subsidiary Companies—full statements have been supplied, sworn to by the Auditor of the Company, with regard

to their properties, real and personal, as well as their earning capacity and the expenses of operation and maintenance. The petitioner has also submitted a careful detailed report concerning the cost of these properties and their present physical condition, prepared by Messrs. Sanderson & Porter, a well-known firm of contracting engineers. I make no reference at this time to the stock of the New York City Interborough Company, in view of the fact that the petitioner has not proposed, and does not propose, to include it in the mortgage, and for the further reason that its lines are incomplete and in process of construction.

B—Subway Realty Company—The Subway Realty Company has a capital stock of \$2,000,000, of which \$1,814,000 is owned by the Interborough Rapid Transit Company, having been acquired by it at the cost above stated. The only asset the Subway Realty Company has now is the property known as the Hotel Belmont, situated at the southwest corner of 42nd Street and Park Avenue, in the Borough of Manhattan. This property is at present subject to a mortgage of \$2,800,000, carrying interest at the rate of 5 per cent., besides an indebtedness to the petitioner in the amount of \$942,122.72, upon which interest is being paid at the rate of 6 per cent. per annum, which indebtedness the petitioner proposes to embrace in the mortgaged property. The Subway Realty Company has since this lease declared and paid on its capital stock, including that owned by the Interborough Rapid Transit Company, dividends at the rate of 5 per cent. per annum. A valuation of this property, made by Horace S. Ely & Company, was submitted at the hearing on April 7th, that firm having appraised the property at a valuation of between \$5,500,000 and \$6,000,000. The property is leased for the term of 20 years from November 1, 1906, at the annual rental of \$318,256.34, over and above all taxes, assessments, water rates, insurance premiums, repairs, etc.

C—New York & Long Island Railroad Company—As to the New York & Long Island Railroad Company, or "Steinway Tunnel", it may be stated that it is generally admitted that the franchise of this Company to be a corporation has expired, but there is now in litigation the question as to whether the franchise to own, maintain and operate a railroad is not still in existence, and available for the benefit of the creditors of the corporation, as such creditors may be represented by the Board of Directors now acting as Trustees or otherwise. Practically the sole creditor, however, of such extinct corporation is the present petitioner, which has advanced upwards of \$7,000,000, representing the cost of the construction of the so-called "Steinway Tunnel", so that, clearing the ground of technical and legal intricacies, it appears that the petitioner is the equitable owner of the entire beneficiary interest of the so-called "Steinway Tunnel" property.

By the draft or tentative mortgage, as originally submitted with the petition, no provision was made for the pledge of the property known as the "Steinway Tunnel." Owing to the unsettled legal questions affecting the status of this property, it would not appear to be expedient to provide for its direct pledge under the mortgage, but the Company acquiesces in the suggestion that there be inserted in the mortgage a

covenant to the effect that the proceeds of any sale of this property, if and when realized, shall be applied to the reduction of the indebtedness to be secured by the mortgage.

D—The Subway Equipment Account.—The equipment account, by the balance sheet of June 30, 1907, represented a cost to the Company of \$25,147,451.56. As appears from the testimony of the Commission's expert accountant, Mr. Marvyn Scudder, the equipment account has been carefully examined, analyzed and audited. The account has been brought down to the end of the calendar year 1907, and now appears upon the books of the Company as representing a cost to the Company at that date of \$24,768,963.46, exclusive of real estate. As the result of the examination and analysis of the accounts made by Mr. Scudder, the Company has acquiesced in the removal from its subway equipment account of items aggregating \$1,302,817, which are now carried under the ledger title "Contractors' Expense Account," as not at this time representing tangible assets available for the purposes of pledge under the mortgage, the principal items in such contractors' expense account consisting of discounts on loans, counsel fees, and like matters.

To determine the exact replacement value of this equipment at the present time would be a long and tedious operation, which it was unnecessary to go into, inasmuch as the security offered for the protection of the proposed issue of bonds outside of and over and above the value of the equipment is ample and the investigation which has been made was not conducted with the view of estopping, and cannot estop the City of New York in any matters or questions which may hereafter arise between it and the petitioner as to the actual cost of said equipment to either the petitioner or the Rapid Transit Subway Construction Company.

The Commission's expert, Mr. McLimont, has made a careful examination of the physical condition of the properties constituting the Company's equipment, and has, among other things, reported as follows:

"The general design and capacity of the working parts of the equipment are good and sufficient to meet the present requirements of the system. . . . I found that the equipment was all in thoroughly first-class operative condition and having been exceptionally well maintained, and in fact in some instances the original apparatus has been improved since its installation, the depreciation should be set at the minimum for each part of the property."

E—Manhattan Lease.—Inasmuch as the lease from the Manhattan Railway Company is itself in the nature of a franchise, for the purpose of determining the actual value in operation of the system as a whole, I shall consider this item in conjunction with that of the value of the leases of the Subway railroads, and the controlled Companies, at the conclusion hereof.

F—After Acquired Equipment.—The tentative mortgage pledges all of the real estate of the Interborough Rapid Transit Company by specific description, including

all that which at present constitutes, technically, a part of the equipment of the Subway. The equipment proper is covered in general terms. The tentative mortgage was, however, considered to be inadequate in that it did not include all after acquired property which might constitute a part of the equipment as defined in the leases of the Subway. The Company has, however, acquiesced in the suggestion that the terms of the mortgage be so amended as to include in the mortgaged premises all property now owned or hereafter acquired by the Company which shall constitute a part of the equipment as the same is defined in the leases of the Subway, thereby materially strengthening and improving the security.

G—Claim Against City of New York.—In this connection it may also be noted that a claim against the City of New York arising out of the construction of the Subway under Rapid Transit Contract No. 1, has been asserted in the name of John B. McDonald, the original contractor, but a three-quarters interest therein is owned by the Construction Company, the remaining one-quarter interest having passed to the petitioner. This claim is now in the course of liquidation under the terms of an arbitration agreement between the parties in interest in the form of an amendment to Rapid Transit Contract No. 1, approved by this Commission. Inasmuch as this claim is at present undetermined and indeterminate, and inasmuch as when recovered, and for whatever amount recovered, it may be taken into consideration by this Commission in connection with an application for leave to make any further issue of bonds under the mortgage, no requirement should be made by the Commission at the present time that such indeterminate claim be included in the mortgage.

Having thus considered the petitioner's indebtedness now sought to be refunded, and its assets available for the purpose of securing the payment of obligations which may be authorized for such refunding purposes, there still remains to consider—

H—The Present Net Earning Capacity of the System.—There remains to consider the present net earning capacity of the petitioner's Subway and Elevated railroad systems, operated as a whole.

The estimate of the Company's Auditor based upon the actual income expenditure for the first three months of the calendar year, with due consideration for the actual earnings of the past calendar year, is as follows:

Gross Earnings	\$24,959,728
Operating Expenses.....	10,903,996
<hr/>	
Net Earnings.....	\$14,055,732
Other Income.....	1,070,772
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Gross Income.....	\$15,126,504

Interest on Bonds and 3 year Gold Notes and Rentals.....	\$5,296,832
Taxes	1,600,000
Total Interest, Rentals and Taxes.....	6,896,832
Balance	\$8,229,672
7% on Manhattan Ry. Co. stock.....	4,200,000
Net income	\$4,029,672
Dividends on \$35,000,000 Interborough Rapid Transit Company capital stock	3,150,000
Surplus	\$879,672

It will be noticed that the foregoing would show if the future justifies the present estimate an apparent earning capacity upon the present basis of the joint operation of the two Divisions, of 9 per cent. upon the \$35,000,000 of capital stock of the Interborough Rapid Transit Company, and a surplus of \$879,672, after making all provisions for the payment of the interest on funded and floating debt, and after making provision for maintenance account and operating expenses as the same actually prevailed for the first three months of the calendar year, without reference to their adequacy or liability to increase. There should, however, in my judgment in any event, be eliminated from this estimate of surplus the sum of \$275,000, which the Company's Auditor has included as the estimated additional contribution to gross income from the opening of the extension of the Subway to Atlantic Avenue, Brooklyn. Although the same may be realized in the future it is at present a matter of pure speculation. This estimated surplus is, however, subject to reductions precisely as the petitioner itself may voluntarily make a larger expenditure for maintenance or a new attribution to reserve for depreciation, or as the petitioner may be required so to do by this Commission, and it is impossible for one or anyone at this time to say more, nor are we called upon to say more than that the net income will in my opinion be much more than ample to meet the service of the notes and bonds to issue which at the present time the petitioner asks leave, without reference to the dividends on the stock.

The Commission acquires jurisdiction in the matter of this petition under and by virtue of the provisions of Section 55 of the Public Service Commissions Law, and of subdivision 10 of Section 4 of the Railroad Law.

The petitioner is without authority to execute the mortgage or to issue securities thereunder, and the Commission is without authority to authorize such act on the part of the petitioner, unless the bonds, notes, or other evidences of indebtedness sought to be secured by the mortgage have been found by the Commission to be necessary—

1. For the acquisition of property, construction, completion, extension or improvement of its facilities; or

2. For the improvement or maintenance of its service; or
 3. For the discharge or lawful refunding of its obligations,—
- and in the event of the Commission authorizing such issue it is necessary for the Commission to find that in its opinion the use of the capital to be secured by the issue of such stocks, bonds, notes or other evidences of indebtedness is reasonably required for the said purposes of the corporation.

The Commission has carefully considered each detail of the proposed mortgage, with the result that it has suggested to the petitioner many changes in the form, phraseology and scope of that instrument, in respect more particularly to the following matters:

1. It has been deemed desirable and proper that the mortgage should include the lease of the Manhattan Railway, in order that the bondholders shall have the security of the entire earning capacity of the railroad system operated by the petitioner.
2. The proceeds of the Steinway tunnel, when and as the same shall be disposed of, should be devoted to the purposes of the mortgage as hereinbefore set out.
3. The sinking fund is approved as proposed in the petition, but the provisions of the mortgage have been modified so that the annual sinking fund payment may be increased by the petitioner at any time, and must be so increased if the Commission, as a condition of the authorization of any subsequent issue of bonds, shall so require.
4. No bonds shall be issued at any time without the previous approval of the Commission.
5. The price at which bonds may be purchased for the sinking fund or redeemed at the option of the petitioner should be 105 per cent. and accrued interest, instead of 110 per cent. and accrued interest, as requested in the petition.
6. Bonds redeemed pursuant to the option reserved to the Company shall be cancelled, and shall not thereafter be reissued, and bonds originally issued as security for notes and not used for the payment or redemption of notes shall be cancelled, but a corresponding amount of such bonds may thereafter be issued for the purposes in the mortgage defined, with the previous approval of the Commission.
7. The mortgage has been required to be so altered that instead of bonds being issued thereunder to raise funds with which to make advances to subsidiary companies (taking their bonds in return as security under this mortgage, and thereby devoting to the purposes of the subsidiary companies the proceeds of the new proposed issue) those companies be left to finance their own requirements by the sale of their own securities, upon application to and approval of the Public Service Commissioners, where such approval is required by law.
8. With the exception of such of the bonds as shall be exchanged for the notes of the \$25,000,000 note issue, no bonds may be issued by the Company for less than par, except after public advertisement for bids upon due notice; with the right to the Company, however, to cause an underwriting syndicate to be formed to take the bonds at a price below which they shall not be offered to the public, and subject to

such public offering, and to pay a reasonable commission for the formation of such underwriting syndicate; and in respect of the exception made to the foregoing rule in the matter of the issue now authorized the bonds issued and pledged as security for the Company's notes may not be disposed of by the Company in exchange for such notes at a discount of more than 1 per cent. without the consent and approval of the Commission.

9. The proceeds of the sale of all bonds must be set aside, separate and apart from all other assets and funds of the Company, and used only for the purposes for which the issue of the said bonds or notes is authorized.

10. The Company must keep true and correct accounts showing the application by it of the proceeds of the sale of all bonds, and showing also the receipt and application by it of the proceeds of the sale of all property at any time subject to the lien of the mortgage which may be sold free from such lien, which accounts shall at all reasonable times be subject to inspection by bondholders as well as by the Public Service Commission, and such accounts shall be audited from time to time by an impartial accountant or accountants appointed for such purpose by the Public Service Commission, and a copy of the accounts as so audited be subject at all reasonable times to the inspection of any bondholders.

11. The proceeds of the sale of all properties at any time subject to the mortgage and sold free from the lien thereof must, except so far as the same shall be replaced by a new property or equipment, be applied to the reduction of the mortgage debt.

The foregoing are the most salient changes which have been suggested by the Commission (and which have been acquiesced in by the petitioner) as necessary to the more perfect protection and security of the bondholders of the Company, to the prompt and speedy reduction of the Company's indebtedness, and to the more perfect accounting for the disposition of the funds procured through the sale of bonds as authorized.

Special attention may be called to the matter of the Subway Realty Company. The law authorizes the acquisition by the Company of real property "for the purposes of its incorporation," which "shall be deemed to be required for a public use" (Railroad Law, section 7). By section 18, subdivision 5 of the Railroad Law, the Company is authorized

"to acquire and use such real estate and other property in this State as may be necessary in the conduct of its business, but the value of such real estate held at any one time shall not exceed the sum of one million dollars (\$1,000,000)."

If the right of the petitioner to acquire and hold real property were confined to the two foregoing provisions of the law, it is doubtful whether this Commission could recognize the propriety of its investment in the so-called Belmont Hotel property, but by Section 42 of the Stock Corporation Law it is provided that

"Any corporation may purchase any property authorized by its certificate of incorporation, or necessary for the use and lawful purposes of such corporation, and may issue stock to the amount of the value thereof in payment therefor"

It is also provided by section 40 of the Stock Corporation Law as follows:

"Any stock corporation, domestic or foreign, now existing or hereafter organized, except monied corporations, may purchase, acquire, hold and dispose of the stocks, bonds and other evidences of indebtedness of any corporation, domestic or foreign, and issue in exchange therefor its stock, bonds or other obligations if authorized so to do by a provision in the certificate of incorporation of such stock corporation, or in any certificate amendatory thereof or supplementary thereto filed in pursuance of law. * * *"

Article 12 of the certificate of incorporation of the petitioner provides as follows:

"The corporation shall have power to purchase, acquire, hold and dispose of the stocks, bonds and other evidences of indebtedness of any corporation, domestic or foreign, and to issue in exchange therefor its own stock, bonds or other obligations."

It is therefore indubitable that the holding of the Interborough Rapid Transit Company in the capital stock of the Subway Realty Company is for a lawful corporate purpose, and that it has corporate capacity not only to hold, but to pledge, said stock as collateral security for its lawful obligations. The question here presented is not as to whether or not this Commission would approve of the issue of new securities for the purpose of the acquisition by the Company of real estate for a hotel purpose, but whether the petitioner's investment heretofore made in the capital stock of the Subway Realty Company is, or was at the time thereof, a proper and lawful investment, as to which there can be no doubt.

The mortgage as executed will in all respects be absolutely subordinate to the rights of the City as lessor under the provisions of the contracts of lease, and can in no way, directly or indirectly, affect, modify, limit or change such rights, and neither will nor can constitute a lien upon the property detrimental or antagonistic to the interests of the City as lessor; and in this connection the proposed mortgage has been so modified as to include within its terms not merely the interest of the petitioner as lessee in the subway railroads, but also all property, real and personal, now, and which may at any time hereafter be acquired, as a part of the equipment of the two said subway railroads, pursuant to the terms of the leases thereof, to the end that in case the mortgage should be foreclosed, the purchaser would step into the shoes of the lessee as the holder not merely of the terms created by the leases, but of all of the property constituting at that time the equipment of the said railroads under the provisions of the contracts, and therefore the better enabled to fulfill and comply with the provisions of the said leases, subject, nevertheless, always, to the City's right of acquisition of the equipment at its then appraised value, at the expiration of the term.

It must also be borne in mind that the authorization of the issue of the \$25,000,000 of notes secured by the \$30,000,000 of bonds as proposed is not in any respect an authorization to increase the Company's indebtedness. The unsecured indebtedness of the corporation at the date of the application amounted to \$35,352,726.11. The authorized issue of bonds at the present time is \$30,000,000, to secure a note issue of

\$25,000,000, and there is also brought under the security of the mortgage an outstanding note issue of \$10,000,000 maturing two years hence. The purpose for which the issue is authorized is solely for the payment of petitioner's obligations, or for the payment of indebtedness about to mature, as representing accounts payable and obligations incurred for the acquisition, construction, completion, extension and improvement of the Company's facilities in the matter of the so-called Brooklyn extension. The obligations heretofore incurred and not yet due by and from the petitioner for the acquisition of the said property and the construction and extension of its road, as aforesaid, including among others the sum of \$3,771,147, or thereabouts, payable to the Rapid Transit Subway Construction Company on the completion of the Brooklyn extension of the rapid transit railway to its terminus at Flatbush and Atlantic Avenues, Brooklyn, being on account of the excess cost of said railway over and above the amount payable with respect to the construction thereof by the City of New York. The present transaction, therefore, merely provides for the extension or funding of the Company's indebtedness in respect to the greater part thereof, and for the liquidation of the remainder thereof. The Company's creditors under the mortgage will be in a better position than the present creditors would be in if their claims were reduced to judgment and the property in the hands of a Receiver; and a failure to authorize the refunding and the better securing of the Company's existing indebtedness would have the effect of compelling the Company to seek extensions of its existing debt upon onerous terms, even assuming that, given the present state of the market, such extensions could possibly be secured, or otherwise to fall under the administration of the Court. The result of the refunding as proposed is to the benefit of the stockholders and creditors of the Company, and carries with it the assurance to the public of the Company's ability to exercise the functions involved in the acceptance by it of its franchise and the terms of the obligations assumed by it to the City of New York in the leases of the rapid transit railways more perfectly and satisfactorily, and to the maintenance of the Company's credit under conditions which will the more perfectly enable it to comply with the requirements of this Commission for an improved and extended service.

The Commission has held six public sessions on this matter. No objections have been made to the granting of the petition except on the part of one stockholder, to wit, Continental Securities Company, represented by C. H. Venner, its President, the holder of 300 shares of stock, and which has objected upon the five following grounds:

1. That the notice calling the meeting of the stockholders of the petitioner for the purpose of authorizing the mortgage was not sufficiently specific.
2. That the Interborough-Metropolitan Company, or Windsor Trust Company, Trustee, as holder of 339,128 shares of stock of the petitioner, was not entitled to vote for the approval of the mortgage, upon the ground that the said Interborough-Metropolitan Company had acquired said stock by issuing its bonds pursuant to an illegal combination with other companies constituting a combination and monopoly in violation of law.

3. That the proposed bond issue is insufficient to meet the future requirements of the Company, and that it would be a serious mistake to authorize a mortgage for less than \$75,000,000, and that even \$100,000,000 would be found insufficient within twenty years.

4. That the investment in the stock of the Subway Realty Company and the advances to that Company were unlawful and improper.

5. That the claim of the petitioner against the City of New York when collected should be applied to the payment of the floating debt, and that no bonds should be issued for purposes which could be met by applying the amount of the said claim against the City.

Considering these objections in their order, it is my opinion:

1. As to the notice: The notice calling the special meeting of the stockholders states it to be

"for the purpose of considering a proposition to issue and dispose of bonds for the refunding of the obligations of the Company and for its other corporate purposes, and to authorize and consent to a mortgage of the property and franchises of the Company to secure payment of said bonds and of the present outstanding gold notes of the Company or any renewals or extensions thereof, and to take such other action in connection therewith as may be brought before the said meeting."

The requirements for action by stockholders regarding the issue of mortgages by a railroad corporation are those contained in subdivision 10 of Section 4 of the Railroad Law, to wit:

"But no mortgage except purchase money mortgages shall be issued by any railroad corporation under this or any other law without . . . the consent of the stockholders owning at least two-thirds of the stock of the corporation . . . which is represented and voted upon in person or by proxy at a meeting called for that purpose upon a notice stating the time, place and object of the meeting"

The rule as to the form and contents of such notice is succinctly stated in the *American & English Encyclopaedia of Law*, Second Edition, Vol. 26, pages 992-993:

"No particular form of notice is required, except that the notice must generally show the authority of the person issuing it and the time, place, and objects of the meeting. In stating the time not only the day must be given, but the hour also, and the objects of the meeting, that is, the business to be transacted, must be stated with sufficient particularity to enable the stockholder to determine for himself whether it is necessary for him to attend in order to protect his interests. Technical objections to the notice, however, will not be sustained where it is substantially sufficient to enable the stockholders to determine whether their interests are involved and to attend the meeting if they wish to do so, and no one has been misled by the defects complained of."

To the same effect see *Cook on Corporations*, Vol. 2, Section 595. See also *Langan v. Franklin*, 26 Abb. N. C. 102; *Jones v. Railroad*, 67 N. Y. 234; *South School District v. Blakeslee*, 13 Conn. 227; and *Evans v. Boston Heating Co.*, 157 Mass. 37.

The notice as given not only seems ample and sufficient, and in all respects conforming to the requirements of the statute, but the objecting stockholder appeared at the meeting and participated in the discussion and voted upon the proposition to authorize the mortgage, thereby exercising his right of self protection, to enable him to have an opportunity to exercise which right is the purpose of the statutory requirement for notice.

2. The objection to the right of the Interborough-Metropolitan Company or Windsor Trust Company as Trustee, to vote the pledged stock: It appears from the proofs submitted that the stockholders of record, to a number in excess of the statutory requirement, appeared at the special meeting and voted to consent to the mortgage, and it is not within the competence of the Commission to go behind such record and determine who are stockholders *de jure*, that being a matter exclusively for the courts, and it being the duty of the Commission to recognize the stockholders *de facto* until any questions of law with respect to the holding of such stock shall have been judicially determined.

3. The legality of the investment in the stock of the Subway Realty Company has been already considered, and as hereinbefore appears it is my opinion that the objection is not well taken.

4. As to the objection that the Company's claim against the City should not be included in the mortgage, it is unnecessary to consider it other than to note that it was not proposed by the Company that the same should be included in the mortgage, and it has not been deemed wise by the Commission to include the same, but rather that the same, whatever it may be if any, when recovered shall be a free asset in the hands of the Company for its general corporate purposes.

5. As to the objection that the mortgage is not large enough, it is obvious that it is quite ample for the purpose, and that to authorize a larger issue at this time would be improper and injudicious. The mortgage is ample to meet the requirements of the Company at least for some years to come, and when it becomes indubitable that the Company's requirements are larger than those which could be properly cared for out of the proceeds of bonds to be issued under the present mortgage it will then be the proper time to consider the enlargement of the mortgage debt by a refunding, and to secure still further issues of the petitioner's bonds.

Thereupon the following resolution and order was presented:

ORDER (No. 438).

In the Matter
of

The application of Interborough Rapid
Transit Company for authority to ex-
ecute a mortgage on all of its property
to secure an issue of bonds and to issue
bonds, and for other purposes.

Whereas, Interborough Rapid Transit Company filed with the Public Service Commission for the First District its petition verified the 4th day of March, 1908,

praying for the approval by said Commission of the execution of a mortgage by said company to secure an issue of not to exceed \$55,000,000 of its forty-five year gold mortgage bonds, as well as certain of its outstanding gold notes, and authorizing the immediate issue of \$30,000,000, face value, of said bonds, and for authority to issue its promissory notes to an amount not exceeding \$25,000,000, face value, to be dated May 1, 1908, payable not exceeding three years from date, bearing interest payable semi-annually at not exceeding six per cent. per annum, and to secure the said notes by the pledge of not exceeding \$30,000,000, face value, of the said proposed new mortgage bonds; and praying also the consent of the said Commission as the successor to the Board of Rapid Transit Railroad Commissioners for the City of New York, pursuant to the terms of the leases of said rapid transit railroads, to assign and encumber the said leases of the rapid transit railroads from the City of New York by including the same in said mortgage:

And whereas, The said Public Service Commission did thereupon by order dated March 6, 1908, direct the said petition to be heard on Monday, March 16, 1908, at 2:30 o'clock in the afternoon, and that the petitioner publish a notice of the said application and of the time and place of the said hearing, in the manner and as provided in said order, and the petitioner did thereupon cause notice of said application and of the time and place of said hearing to be published in pursuance of such order, and did file proof thereof with the Secretary of the said Commission before the opening of the said hearing;

And whereas, The petitioner with the leave of the Commission filed its amended petition bearing date March 14, 1908, and on the said 16th day of March, 1908, the matter coming on to be heard upon the said petition and said amended petition, and said petitioner having duly appeared by George W. Wickersham, its counsel, and the Continental Securities Company having appeared by Clarence H. Venner, its President, and Thomas L. Feitner having appeared in person, and the petitioner having submitted proofs in support of said application, and the hearing having been duly adjourned from time to time, and the Commission having taken the testimony and having examined the books and accounts of the petitioner, and having caused investigation to be made into the condition and value of the railroads and properties of the petitioner, and being fully advised in the premises, it is hereby

Ordered, That the Public Service Commission for the First District does hereby consent to the execution by the said petitioner Interborough Rapid Transit Company, of a mortgage of its leasehold interests in the rapid transit railroads in the City of New York, and the equipment thereof, its leasehold interest in Manhattan Railway and the other property in said mortgage described unto Morton Trust Company, as Trustee, said mortgage to be dated as of November 1, 1907, to secure an issue of the forty-five year gold bonds of the said company, said bonds to be dated as of November 1, 1907, to be payable November 1, 1952, to bear interest at not exceeding five per cent. per annum, payable semi-annually, upon the terms and conditions in

said mortgage set forth and contained, and also to secure two certain issues of gold notes of said petitioner, viz:

(a) \$15,000,000, face value, four per cent. three year gold notes, due May 1, 1908, issued under trust agreement with Windsor Trust Company, Trustee;

(b) \$10,000,000, face value, three year five per cent. gold notes, due March 1, 1910, issued under trust agreement with Morton Trust Company, Trustee;

Provided that the total amount to be secured by the said mortgage of both bonds and gold notes shall not at any time exceed the sum of \$55,000,000 of principal, and the said mortgage to be in the form identified as 17th revise and filed in the office of the Secretary of the Commission on this 23rd day of April, 1908.

Further Ordered, That the Commission does hereby authorize the issue by the petitioner of \$30,000,000, face value, of bonds pursuant to the said mortgage, and the use of the same by pledging said bonds as collateral security for an issue of \$25,000,000, face value, of the three year six per cent. notes of the petitioner, to be dated May 1, 1908, and to be issued under and in conformity with the provisions of a trust agreement between the petitioner and Morton Trust Company, as Trustee, dated April , 1908, to be in the form identified as 7th revise and filed in the office of the Secretary of the Commission on the 23rd day of April, 1908.

Further Ordered, That the Commission does hereby authorize the sale by the petitioner of the said \$25,000,000, face value, of said three year six per cent. notes and the application of the proceeds thereof,

(a) To the discharge or lawful refunding of its obligations, viz:

\$15,000,000, face value, of its four per cent. three year gold notes, due May 1, 1908, issued under trust agreement with Windsor Trust Company, Trustee;

\$6,250,172.55 of the promissory notes of the petitioner outstanding April 1, 1908, payable on demand or from time to time on or before June 30, 1908; and

(b) The balance to pay obligations heretofore incurred by the petitioner for the acquisition of property, the construction, completion, extension or improvement of its facilities, or the improvement or maintenance of its service and including the sum of \$3,770,000 or thereabouts, payable to Rapid Transit Subway Construction Company on the completion of the Brooklyn extension of the rapid transit railway to its terminus at Flatbush and Atlantic Avenues, Brooklyn, being on account of the excess cost of said railway over and above the amount payable with respect to the construction thereof by the City of New York.

It being the opinion of the Commission that the use of the capital to be secured by the issue of said bonds and notes by the said Interborough Rapid Transit Company is reasonably required for the said purposes of the said corporation.

Further Ordered, That the Commission as successor to the Board of Rapid Transit Railroad Commissioners for the City of New York, and pursuant to the provisions contained in the contracts for the construction of the rapid transit railroads in the City of New York, viz:

(a) Contract between said City and John B. McDonald, dated February 21, 1900, and agreements amendatory thereof and supplemental thereto;

(b) Contract between the City of New York and Rapid Transit Subway Construction Company, dated July 21, 1902 and agreements amendatory thereof and supplemental thereto;

the leasing portions whereof have been heretofore duly assigned to Interborough Rapid Transit Company, does hereby consent to the mortgage of the said respective leases by including the same in the mortgage aforesaid.

Further Ordered, That duplicate originals of the mortgage and note trust agreements consented to and authorized as aforesaid upon execution thereof be filed by the petitioner with the Secretary of this Commission.

It was thereupon moved, and duly seconded, that the above resolution and order be adopted, and that the consent under the Rapid Transit Act to the mortgage by the Interborough Rapid Transit Company of the lease of the rapid transit railroad be signed by the Commissioners.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The said consent was thereupon signed, and is as follows:

The Public Service Commission for the First District upon whom, by virtue of an act approved June 6, 1907, known as the Public Service Commissions Law, the powers of the Board of Rapid Transit Railroad Commissioners created by Chapter Four of the laws of 1891, as amended, were devolved, DOES HEREBY CONSENT to the mortgage by Interborough Rapid Transit Company of the lease of the rapid transit railroad constructed under contract between the City of New York (acting by the Board of Rapid Transit Railroad Commissioners for said City) and John B. McDonald, dated February 21, 1900, as modified by agreements amendatory thereof and supplementary thereto, which lease was duly assigned to Interborough Rapid Transit Company with the written consent of the said Board of Rapid Transit Railroad Commissioners, by instrument in writing dated July 10, 1902, and the mortgage of the lease of that certain other rapid transit railroad constructed under contract between the City of New York (acting by the said Board of Rapid Transit Railroad Commissioners) and Rapid Transit Subway Construction Company, dated July 21, 1902, as modified by agreements amendatory thereof and supplemental thereto, which lease was assigned to Interborough Rapid Transit Company with the written consent of the said Board of Rapid Transit Railroad Commissioners by instrument in writing dated August 10, 1905, by including said leases in the mortgage executed by Interborough Rapid Transit Company to Morton Trust Company, as Trustee, dated as of November 1, 1907, and upon the terms and conditions in the said mortgage contained, and subject to all of the covenants, conditions and limitations in the said leases respectively set forth and contained.

In witness whereof, the members of the Commission have hereunto subscribed their names at the City of New York this 23rd day of April, 1908.

WILLIAM R. WILLCOX,
WM. McCARROLL,
EDWARD M. BASSETT,
MILO R. MALTBIE,
JOHN E. EUSTIS.

(2)

O-315

Mr. Wickersham, of counsel for the Interborough Rapid Transit Company, then stated that Messrs. J. P. Morgan & Company would undertake to form a syndicate to underwrite the \$25,000,000.00 of notes to be sold at 97% of the face value and accrued interest, and that this Company would be paid 2% of the face value of the notes for their services as underwriters. He also stated that Messrs. J. P. Morgan & Company requested that this transaction be laid before the Commission and made public, and that a copy of the following correspondence be spread upon the minutes of the Commission:

NEW YORK, April 21st, 1908.

MESSRS. J. P. MORGAN & COMPANY, New York.

GENTLEMEN—Interborough Rapid Transit Company has applied to the Public Service Commission for the First District for leave to execute a mortgage covering its leasehold interest in the rapid transit railways in the City of New York, and in the Manhattan Railway, and also certain other properties, to secure an issue of its forty-five year mortgage bonds, and also to secure payment of its two present outstanding note issues, viz: \$15,000,000. four per cent. notes maturing May 1st, 1908, and \$10,000,000. five per cent. notes maturing March 1st, 1910; the total amount of principal of the bonds and notes at any one time outstanding and secured by such mortgage not to exceed \$55,000,000. The Company has also applied to the said Public Service Commission for its authorization of the issue of a series of \$25,000,000 three-year six per cent. gold notes of the Company, redeemable on any interest day at par and interest, and convertible into the new bonds, and to be secured by \$30,000,000. face value of its proposed new mortgage bonds above referred to; the proceeds of these notes to be applied to the following purposes:

(a) Refunding of the above mentioned \$15,000,000. four per cent. gold notes of the Company maturing May 1st, 1908;

(b) Refunding of \$6,250,000 of other promissory notes of the Company, payable either on demand or from time to time on or before July 1st, 1908; and

(c) The balance to meet other present existing obligations of the Company, including, if found necessary, \$3,500,000 or thereabouts which will become payable to the Rapid Transit Subway Construction Co. on the completion of the Brooklyn extension of the subway to Atlantic and Flatbush Avenues, for excess cost over and above the amounts payable by the City of New York.

[April 23, 1908.]

It is understood that the notes shall not be redeemable before maturity, and also that, for a period of two and one-half years from the date thereof, the holders of the notes will be entitled to exchange the notes for bonds at par, less one per cent., and the mortgage and the bonds secured thereby, and the notes, are to be made and issued only with the approval of the Public Service Commission for the First District, the terms of this transaction at your request having been submitted to that Commission.

We hereby request you to undertake to form a syndicate to purchase the above mentioned \$25,000,000 of notes at ninety-seven per cent. of their face value and accrued interest, of which syndicate you shall have the management, and for your service in forming and managing the same shall receive from this Company a commission of two per cent. upon the said \$25,000,000 of notes.

It is understood further that the form of the instruments and legality of the transaction is to be satisfactory to your counsel; the reports of the expert and the accounts being also satisfactory to you, and that the charges of all these are to be borne by this Company.

If this meets your approval, kindly confirm and oblige,

Very truly yours,
(Signed) AUGUST BELMONT,
Chairman.

(Copy.)

J. P. MORGAN & Co., }
NEW YORK.
NEW YORK, April 24th, 1908.

To Interborough Rapid Transit Company, New York City.

DEAR SIRs—Accepting the request contained in your letter of April 21st, 1908, and upon the terms stated by you therein, we will endeavor to form a syndicate for the purchase of the \$25,000,000 three year six per cent. gold notes of your Company.

We are, dear sirs,

Yours very truly,
(Signed:) J. P. MORGAN & CO.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
**THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,**

FRIDAY, APRIL 24, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1) On motion, the record of the proceedings of the Commission for April 17 and 21, 1908, as printed in the CITY RECORD for April 24, 1908, was approved.

(2)

C-21

The Secretary presented the following communication from G. L. Sterling, Acting Corporation Counsel, which was referred to the Committee on West Side tracks:

NEW YORK, April 21, 1908.

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission, First District:

SIR—Chapter 109 of the Laws of 1906, section 2, empowered and instructed the Board of Rapid Transit Railroad Commissioners to prepare a plan and make an agreement with any railroad company operating a railroad by steam locomotive power at grade in the Borough of Manhattan, City of New York, for the removal thereof, such plan to provide in detail for the construction by the railroad company at its cost of a subway to which such tracks shall be removed and therein operated.

Section 4 of the act provides that in case such board shall be unable within twelve months after the act takes effect to agree with the railroad company upon a plan and obtain the approval thereof by the Board of Estimate and Apportionment, the said Board of Rapid Transit Commissioners shall thereupon condemn all and any rights, privileges and franchises of such railroad company.

The Public Service Commission of the First District, as successors to the Board of Rapid Transit Commissioners, in the resolution directing the Corporation Counsel to institute condemnation proceedings, recites the fact that no agreement for the removal of the tracks was completed prior to March 26th, 1907, the date of the expiration of the period within which the act authorized the same.

[April 24, 1908.]

In instituting the proceeding to condemn the tracks, it will be necessary to set forth and allege in the petition to the Court for appointment of Commissioners of Appraisal, that a plan for the removal of the tracks was prepared by your Commission, or its predecessor, as directed in section 2 of the act, and an attempt made to agree with the railroad company to carry such plan into effect, and the failure to arrive at an agreement, all of which by section 4 of the act is made a condition precedent to the institution of condemnation proceedings.

Although I am aware that no agreement was made to remove the tracks, I have no knowledge of what was done in the attempt to agree, and I shall therefore, be obliged if you will furnish me with a copy of the plan and proposed agreement providing for the removal of the tracks, prepared by your commission or its predecessor, and such information as you have of record in your office relating to the negotiations had with the officials of the New York Central and Hudson River Railroad Company in the attempt to arrive at an agreement, in accordance with the terms of the act.

Respectfully yours,

(Signed) G. L. STERLING, Acting Corporation Counsel.

(3)

C-21

The Secretary presented the following communication from the Board of Estimate and Apportionment, which was referred to the Committee on West Side tracks:

NEW YORK, April 21, 1908.

Hon. WILLIAM R. WILLCOX, *Chairman, Public Service Commission for the First District:*

SIR—The Corporation Counsel has transmitted to this office, for the purpose of preparing technical descriptions, one set of the maps prepared by your Commission in the matter of the condemnation proceedings as to the New York Central & Hudson River Railroad Company pursuant to Chapter 109 of the Laws of 1906, which maps were adopted and approved by your Commission on the 15th day of November, 1907.

I desire particularly to call your attention to certain tracks shown on Sheet 20 of Series B of maps, being tracks located within the limits of 12th avenue at its intersection with 59th street, and in the explanatory note upon such map it is stated as follows:

"On this sheet is indicated a portion of 12th avenue in which the New York Central & Hudson River Railroad Company may have claimed or may claim the right to operate cars or trains at grade. The dotted lines indicate existing tracks."

The curve track at the intersection of 12th avenue and 59th street, as shown on the said map, was laid pursuant to a permit granted by William Barclay Parsons, Chief Engineer of the Board of Rapid Transit Railroad Commissioners, dated June 26, 1903, to John B. McDonald, contractor for the Rapid Transit Railway, and numbered Permit No. 85. It was a temporary permit and the track was to be used during the construction of the power-house of the Interborough Rapid Transit Company.

The straight track leading from the power-house to the pier I presume was laid under a similar permit granted by your predecessors, for in connection with this spur,

April 24, 1908.]

918

John B. McDonald also received a temporary permit for the Department of Docks and Ferries to continue the spur on toward the pier, and paid therefor, during the year 1904, an annual rental of \$600 to the Department of Docks and Ferries. The records of such Department show that the permit was renewed to the Interborough Rapid Transit Company in 1905 and 1906, at the same terms, and at the expiration thereof the track lying within the marginal street and on the pier under the jurisdiction of the Department of Docks and Ferries was removed, but the part lying in 12th avenue, presumably under your permit, remained and so remains to-day.

In November, 1905, I had occasion to examine the rights of the New York Central & Hudson River Railroad to the use of 12th avenue between 59th and 60th streets, and at that time the Corporation Counsel advised that such tracks, with which the spur authorized by the Board of Rapid Transit Railroad Commissioners connected, had been laid without authority. Subsequently, by resolution of the Board of Estimate and Apportionment, the President of the Borough of Manhattan was directed to remove the tracks between 59th and 60th streets, and they were so removed. The spur tracks in question, as shown on the map prepared by your Commission, in consequence do not connect with any other tracks at this point.

In February, 1906, I had occasion to take the matter up again with Mr. George S. Rice, then Chief Engineer, and under date of February 17, 1906, he forwarded me a copy of the revocation of the Permit No. 85, and in revoking such permit, advised Mr. George H. Pegram, Chief Engineer of the Rapid Transit Subway Construction Company, that if it wished to continue the use of the track, it must apply to the Board of Estimate and Apportionment for such right. No application was made, but the track still remained in the street.

As I presume the revocation of the permit carried with it a direct order to remove the tracks and restore the street to a proper condition, I would request that such action be taken by your Commission as is necessary to enforce such order, and I would be indebted if, when the tracks are removed and the street restored, you will advise me of such fact, in order that I may eliminate a technical description of these tracks from the application which is to be made to the Court for the appointment of Commissioners of Appraisal.

Copies of Mr. Rice's letters to me are herewith enclosed.

Respectfully,

(Signed) HARRY P. NICHOLS,
Engineer in Charge.

(4)

2063, 2532

The Secretary presented the following notices of deposit, from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which were ordered filed:

April 13, 1908.

DEAR SIR—I beg to advise you that on April 9, 1908, the sum of Six Thousand, Two Hundred and Fifty-eight and 37/100 Dollars (\$6,258.37) was deposited to the credit of

[April 24, 1908.]

Rapid Transit Construction Fund—Manhattan—Bronx, (Sub-Title No. 5). Authorized January 24, 1908, pursuant to the provisions of Section 10 Chapter 4 Laws of 1891 as amended by Section 14 Chapter 429 Laws of 1907.

Principal	\$6,000.00
Premium	258.37
	<hr/>

April 17, 1908.

DEAR SIR—I beg to advise you that on April 10, 1908, the sum of Five Thousand Dollars (\$5,000.00) was deposited to the credit of Revenue Bond Fund—For the Public Service Commission, for the First District, New York, Expenses of. Authorized December 20, 1907 pursuant to the provisions of Chapter 4 Laws of 1891, as amended by Section 14, Chapter 429, Laws of 1907.

(5)

2919

The Secretary presented a communication from the Counsel to the Commission transmitting forms of application and notice for the Lexington Avenue and the Seventh and Eighth Avenue routes, and on motion, duly seconded, it was

Resolved, That the Counsel to the Commission be authorized to prepare the necessary papers, and the Chairman of the Commission be authorized to sign such papers upon which to apply to the Appellate Divisions in the First and Second Department in all cases in which a two year limitation upon its consent to the various routes and general plans submitted to them for the abrogation or extension of such time limit, and further that the Counsel to the Commission be authorized and directed to institute such proceedings as may be necessary.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(6)

1276

The Secretary presented a communication from the Chief Engineer dated April 20th, stating that the sewer construction across Mulberry Bend Park had been completed; that all building material and other obstructions had been removed; that the excavation had been entirely refilled; and the ground surfaced to its original condition. The communication was ordered filed.

(7)

1014

The Secretary presented a communication from the Chief Engineer, dated April 21, in reference to payment of a bill from the Department of Water Supply for repairing a leak in the water pipe over the subway at 125th Street and Lenox Avenue, stating that it was his opinion that the bill should not be paid, but that if it should be considered a proper bill, it should be paid by the contractor who built the subway, and suggesting that the matter should be submitted to the Counsel to the

Commission for consideration. The suggestion was approved and the Secretary was directed to obtain the opinion of the Counsel in the matter.

(8)

1682

The Secretary presented a communication, dated April 20, from the Chief Engineer, transmitting copies of correspondence conducted with the Commissioner of Parks of the Boroughs of Manhattan and Richmond on the subject of tree-planting. The correspondence was referred to the Counsel to the Commission.

(9)

O-430

The Secretary presented the following hearing order, and it was moved and duly seconded that the same be adopted by the Commission:

HEARING ORDER (No. 430). WITH NOTICE.

In the Matter
of

The application of the Board of Estimate and Apportionment of the City of New York relative to opening across the tracks of the Manhattan Beach Branch of the Long Island Railroad Company the following street:

Chester Street,
Between Riverdale Avenue and East 98th
Street in the Borough of Brooklyn,
City of New York.

An application having been made by The City of New York under Section 61 of the Railroad Law to this Commission to determine whether a certain proposed new street, namely, Chester Street, between Riverdale Avenue and East 98th Street, in the Borough of Brooklyn, City of New York, shall pass over or under or at grade of the tracks of the Manhattan Beach Branch of the Long Island Railroad Company, and application having been made to the Public Service Commission for the First District by The City of New York for an appointment of a time and place for a hearing in relation thereto;

Resolved, That a hearing be had on the said application in the hearing room in the office of the Public Service Commission for the First District at No. 154 Nassau Street, Borough of Manhattan, City of New York, at 2:30 o'clock in the afternoon on the 12th day of May, 1908, and it is

Further Resolved, That notice of said hearing be given to all owners of land on the proposed extension of Chester Street between Riverdale Avenue and East 98th Street, Borough of Brooklyn, City of New York, and to all owners of land adjoining the tracks of the Manhattan Beach Branch of the Long Island Railroad Company at or near the point of intersection of the said proposed extension of Chester Street with the said Railroad by publishing daily in the CITY RECORD for two weeks prior to the date of hearing the notice set forth below and that notice of the said hearing

[April 24, 1908.]

be served upon the Long Island Railroad Company by the service of a copy of said notice personally upon an officer of said Railroad Company at least ten (10) days in advance of the date set for said hearing; that notice of the said hearing be served upon The City of New York by service of a copy of the said notice upon the secretary of the Board of Estimate and Apportionment of The City of New York and upon the Corporation Counsel at least ten (10) days prior to the date set for the said hearing.

The form of notice mentioned above was as follows:

NOTICE TO PROPERTY OWNERS.

Pursuant to section sixty-one (61) of the Railroad Law the Public Service Commission for the First District hereby gives public notice to The City of New York, the Long Island Railroad Company and to all owners of land adjoining the said railroad at that part of

CHESTER STREET,

Borough of Brooklyn, City of New York,

to be opened or extended from *Riverdale Avenue to East 98th Street*, that the Public Service Commission for the First District will hold a public hearing in its hearing room on the third floor of the Tribune Building, No. 154 Nassau street, Borough of Manhattan, City of New York, on May 12, 1908, at 2.30 o'clock in the afternoon, for the purpose of hearing an application made by The City of New York to the said Public Service Commission to determine whether the proposed extension of Chester street, from Riverdale Avenue to East Ninety-eighth Street shall pass over or under or at grade of the tracks of the Long Island Railroad Company, and to determine the manner and method of extending Chester Street across the said railroad tracks, the grade or grades of the street and such other matters pertaining thereto as may be brought before the Commission under the provisions of the Railroad Law.

Dated, , 1908.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Bassett to conduct the hearing.

(10)

1018

The Secretary presented the following communication from the Counsel to the Commission, and the Secretary was directed to communicate with the parties mentioned therein in accordance with the views of the Corporation Counsel as expressed in the letter of the Counsel to the Commission:

April 20, 1908.

Public Service Commission for the First District:

SIRS—Referring to the offers received by the Commission, one from Mr. John W. Phillips of 418 West 23rd Street to sell the easements of light, air and access appurtenant to the lot owned by him fronting on the southeasterly side of Broadway,

April 24, 1908.]

922

being 25 feet in front and rear and 100 feet on each side for the sum of \$250.00, and the other from Mr. E. G. Freedlander of No. 217 West 125th Street, representing the owners of four lots, beginning at the northwesterly corner of Tenth Avenue and West 211th Street and running northerly along the westerly side of Tenth Avenue 99 feet 11 inches to the center line of the block, to convey the easements of light, air and access appurtenant thereto for the sum of \$999.17, I have submitted both of these offers to the Corporation Counsel for his opinion whether they should be accepted. I am advised by him that, in his opinion, it is not for the best interest of the City that the offers should be accepted for the reason that the prices, in his opinion, are excessive.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

(11)

2039

The Secretary presented the following communication from the Interborough Rapid Transit Company:

April 21st, 1908.

Public Service Commission, First District, Tribune Building, New York:

GENTLEMEN—At 12:50 A. M., on the first day of May, 1908, the Interborough Rapid Transit Company will be ready to operate that portion of the rapid transit railroad constructed under Principal Contract No. 2, dated July 21, 1902, which lies between Borough Hall and Atlantic Avenue stations, Brooklyn. The Company, therefore, asks your Commission to formally authorize the operation of this portion of the railroad on that date.

Yours very truly,

(Signed) E. P. BRYAN, President.

The letter was referred to the Counsel to the Commission for the drafting of a suitable resolution.

(12)

1258

The Secretary presented the following communication from T. P. Shonts, Chairman of the Executive Committee of the Interborough Rapid Transit Company, transmitting the agreement modifying Contract No. 1 to provide for improvements at 96th Street, which had been approved by the Rapid Transit Board on June 27th, 1907, as shown on pages 5024-5028 of Volume VIII of their minutes. The communication and agreement were ordered filed.

NEW YORK, April 22, 1908.

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District, Tribune Building, New York City:

DEAR SIR—I hand you herewith the agreement amending Rapid Transit Contract No. 1, to provide for the improvements at 96th Street.

[April 24, 1908.]

This agreement has now been duly consented to by all sureties on various bonds and is in complete form. We retain duplicate original in this office.

We rely upon the exercise by you of your good offices to procure for us monthly estimates of work and to assist in our getting prompt payment from month to month for the work done under this contract.

Our sole hesitation in executing the agreement has grown out of our difficulty in the past in collecting money from the City for construction work carried on by us.

Very truly yours,
(Signed) T. P. SHONTS, Chairman.

(13)

O-431

Commissioner Bassett presented the following order:

EXTENSION ORDER (No. 431).

West End Board of Trade, by D. B.

Seaver, Second Vice-President,

Complainant,

against

Brooklyn Union Elevated Railroad Company, Brooklyn Heights Railroad Company, and Nassau Electric Railroad Company,

Defendants.

Order No. 431, extending the time within which defendant may answer complaint order No. 375, as to operation of trains and surface cars at Sixty-fifth Street and Third Avenue Terminal, Brooklyn, to and including April 27th, 1908, was approved, confirmed, and ordered filed in the office of the Commission.

(14)

1373

The Secretary presented a communication from Leon S. Case, Secretary of the Flushing Association of Flushing, N. Y., dated April 21st, urging that action be taken to acquire the Steinway Tunnel as soon as possible. The communication was referred to the Committee of the Whole.

(15)

2139

The Secretary presented a communication from John B. Creighton, Secretary of the Brooklyn League, dated April 16th, quoting a resolution adopted by that organization on April 15th with regard to the importance of the immediate construction of the Broadway-Lafayette Subway. The communication was referred to the Committee on Broadway-Lafayette subway.

(16)

2879

On motion, duly seconded, it was

Resolved, That Henry Auerbach be appointed from the Civil Service list to the position of Bridge Designer, at a salary of \$150 per month, to take effect April 27, 1908.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(17)

2879

On motion, duly seconded, it was

Resolved, That the following appointments be made:

Name.	Position.	Salary.	To Take Effect.
A. C. Schanz.....	Junior Bridge Draughtsman (Provisional)	\$50 per month	April 22, 1908
Bjorulf Haukelid.....	Structural Draughtsman (Provisional)....	125 per month	April 21, 1908

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(18)

2879

On motion, duly seconded, it was

Resolved, That the salary of D. L. Turner, Division Engineer, be fixed at \$4,000 per annum, to take effect April 1, 1908.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(19)

O-432

Commissioner Bassett presented the following opinion:

IN RE PROPOSED EXTENSION OF SHORT LINE SERVICE ON THE "CULVER LINE" ON GRAVES-
END AVENUE FROM KENSINGTON STATION TO PARKVILLE STATION.

Hearing Order No. 359 against South Brooklyn Railway Company.

A hearing was had in this matter on the 9th day of April, 1908. The hearing was instituted upon motion of the Commission after complaint made by George Moeser, R. C. Beadle and others, asking that the so-called short line trains now operated northerly during the morning rush hours from Kensington on Gravesend Avenue be operated from Parkville, a station on said avenue to the south of Kensington.

The through trains running through Parkville and 18th Avenue to Park Row during the morning rush hours maintain a fifteen minute headway, and if the short line service were extended to Parkville the headway northerly from Parkville, during these hours, would be approximately seven and one-half minutes. I do not regard a fifteen minute service (which is the present service at Parkville and 18th Avenue) as an unreasonable or inadequate service at these stations as long as the cars are not over crowded, and it appears in this case that they are not.

It does not seem to me that it is ordinarily justifiable to order the operating company to enlarge the scope of its short line service unless the regular through trains are badly over crowded. Experience has shown that on every road where short line

[April 24, 1908.]

trains have been placed a demand has arisen from the stations further out that the short line service shall extend to them. In any case where the interval between trains is too great, the defect should ordinarily be remedied by increasing the number of through trains.

I am of the opinion that for the reasons stated the complaint should be dismissed, but without prejudice to other or further hearings.

Dated, April 24, 1908.

(Signed) E. M. BASSETT,
Commissioner.

Commissioner Bassett thereupon presented the following order:

DISMISSAL ORDER (No. 432).

In the matter
of

The Hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service and Transportation Facilities of the South Brooklyn Railway Company.

Order No. 432, dismissing proceedings upon Hearing Order No. 359 as to the extension of short line service to Parkville Station, was approved, confirmed, and ordered filed in the office of the Commission.

(20)

O-433

Commissioner Bassett moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 433).

In the matter
of

The Hearing on the Motion of the Commission on the Question of Additions, Repairs and Improvements required to the Rolling Stock, Equipment, Overhead Trolley Construction and Feeder Wire System of the Coney Island and Brooklyn Railroad Company, in the particulars hereinafter set forth.

Under Order for Hearing No. 271.

This matter coming on upon the report of the hearing had herein on the 6th day of March, 1908, and the adjournments thereof, and it appearing that the said hearing was held by and pursuant to an order for hearing No. 271, made the 18th day of February, 1908, and returnable on the 6th day of March, 1908, and that the said Order No. 271 was duly served upon the Coney Island and Brooklyn Railroad Company, and that the said service was by it duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on the 6th day of March, 1908, and by adjournment duly had on the 17th day of March, 1908, and by adjournment duly had on the 31st day of March,

1908, Mr. Commissioner Bassett presiding at each of said sessions, and Grosvenor H. Backus, Assistant Counsel, appearing for the Commission, and John J. Kuhn, Esq., and E. D. Kelly, Esq., appearing for said Coney Island and Brooklyn Railroad Company, and proof being taken,

Now, it being made to appear, after the proceedings upon said hearing, that the regulations, practices, equipment and appliances of the Coney Island and Brooklyn Railroad Company, in respect to the transportation of persons in the First District, are unsafe, improper and inadequate, and that the additions, repairs and improvements to the rolling stock, equipment, overhead trolley construction and feeder wire system of said Company, hereinafter specified, ought reasonably to be made in order to promote the security and convenience of the public, and in order to secure adequate service and facilities in the transportation of passengers,

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, (1) That said Coney Island and Brooklyn Railroad Company make a thorough inspection of all its open and closed cars, covering car bodies, motor and electric equipment, wiring and trucks; that all defects are to be carefully noted and the cars sent through the various shops for an overhauling which, when complete, will place the cars in a first class operating and renovated condition; and that when so completed said cars shall thereafter be overhauled at periods which will insure the future up-keep and proper operation of equipment so as properly to serve the public.

The following directions are given, not as detailed working specifications, but merely as illustrative of the intention of the Commission and of the scope and meaning of this order.

Inspection.

By a thorough inspection and general overhauling of the car bodies and its entire equipment, it is intended that each car should be placed over a pit, seats and trap doors removed and covers taken off to facilitate careful inspection of motors which should be made by a competent Superintendent and not by car house employees.

Car Body.

Where the car body must be completely repainted as well as revarnished, it should be sent first through the carpenter shop to have all the defects of the wood work repaired. Special attention should be given to the inspection of all car bodies, covering frame, floor, moulding, stanchions, panels, roofs and hoods, and in every case where the wood work and other material is not in sound condition, such part should be replaced. All metal work pertaining to car bodies should be renewed if in a defective state, and the various parts of platforms, doors, windows and roofs should be given the same careful renewal.

Head-lights.

All cars in service should be supplied with one incandescent head-light, located on each dash of the car. The head-light must be of a type which does not project in front

of the dash more than three inches. All head-lights should be overhauled and maintained in a fit condition with new reflectors where necessary, broken glass replaced and new lamps substituted for those below normal candle power.

Wiring.

All means possible to improve and perfect wiring, hanging and placing of equipment appliances should be used and a universal system of wiring adopted.

Brasses.

All brasses throughout the cars should be renewed where necessary. Armature and axle shafts and other bearing parts should be normal.

Commutators.

All commutators should be turned where the service is uneven and put in first-class condition, and when abnormally worn should be renewed.

Field Coils and Armature Windings.

These should be tested for insulation and if found to be below normal, should be replaced with new ones. They should all be thoroughly cleaned and painted.

Controllers.

Controllers should have all contacts and other parts renewed that show any indication of abnormal wear. Connections should be tightened and the controller thoroughly cleaned and painted.

Automatic Circuit Breakers.

These should be tested and maintained operative for the proper load, corresponding to the motor capacity of the car.

Resistances.

Resistances should be carefully tested and any section not up to the standard renewed, and a form of insulating hanger used so that the resistance will not be belted directly to the bottom of the car when in line with the splash of the wheel. There should be sufficient space between the resistance and the car floor to prevent danger to the wood work of the car and also to increase insulation.

Trucks.

All trucks should be thoroughly cleaned and lined. All broken, weak, sagging, twisted, worn or otherwise defective parts should be replaced with new ones and not merely repaired, except where defects are very slight, especially all springs should be renewed where the normal effectiveness has been lost.

Motor Suspension.

All motor suspensions should be completely overhauled, missing parts supplied. springs that have lost their normal effectiveness replaced and all adjustments properly made.

Brakes.

All cars in service should be supplied with double chain brakes and all brake mechanisms should be given careful inspection and improvements made in the mechanism and form at present employed and the entire brake equipment should be maintained always in first-class operative condition.

Lightning Arresters and Cut-outs.

All open cars in service should be equipped with one modern lightning arrester outfit, properly connected and kept always in an operative condition and all lightning arresters and cut-outs should be given most careful inspection and placed and maintained in first-class operative condition and such sections of the line of the road which at the present time have insufficient protection should be supplied with lightning arresters.

Axle Gear Wheels, Armature Pinions and Car Wheels.

These should in every instance be renewed where any indication is found of abnormal wear. All gears and pinions should be replaced where the teeth are worn down to less than one-sixteenth ($1/16$) of an inch on top, and gear cases should be maintained tight, so as to prevent as much as possible the lubricating grease from being thrown out.

Time.

The company should create facilities and organize a reconstruction department so as to pass each of its open car bodies and equipment through the shops for the overhauling and renewing, as specified above, on or before the 31st day of May, 1908, and all closed car bodies and equipment should receive the same overhauling and renewal process before going into service for the season of 1908-1909.

When any car has been overhauled and prepared for service, as above specified, notice of that fact in writing should be sent to the Commission, stating the time and place where the car is to be tested, to the end that the engineers of the Commission may attend.

"Run-In" Book.

The company should provide a run-in book supplied with a carbon sheet and envelope and this carbon sheet should be mailed to the Equipment and Inspection Bureau of the Commission daily.

Overhead Trolley Construction.

The entire trolley wire system should be carefully inspected and every part showing excessive wear should be renewed. This refers particularly to the wires on curves, cross-overs and switches, also to the entrance to frogs, switches, section insulators, splicing cars, cross-overs and to points where the trolley joins any of the overhead appliances. All trolley wires should at all times be maintained at a proper tension, so as to prevent excessive sag between supports and should be maintained at a uniform height above the track, where possible. All span wires, pull-offs and strain

wires should be straightened and the slack taken up and all wires must be immediately renewed which show corrosion, improper connections or any other imperfection.

Overhead Appliances.

These should be carefully inspected and where found lacking normal insulation or strength or otherwise defective, should be replaced or repaired, double insulation between all live wires and poles should be made.

Feeder Wires.

The entire feeder wire system should be carefully inspected and all parts showing insufficient insulation or defective construction should be replaced or repaired.

Poles.

Attention should be given to the cleaning and repainting of substantially all the poles throughout the company's system and particularly to the replacing of deteriorated poles. And it is further

Ordered, That this order shall take effect immediately and remain in force until modified by the further order of this Commission. And it is further

Ordered, That on or before the 27th day of April, 1908, the Coney Island and Brooklyn Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

O-434

Commissioner Bassett moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 434).

In the Matter

of

The Hearing on the Motion of the Commission on the Question of Improvements in and Additions to the Service and Equipment of the Brooklyn Heights Railroad Company in respect to the Flatbush Avenue line.

Under Order for Hearing No. 347.

This matter coming on upon the report of the hearing had herein on the 27th day of March, 1908, and it appearing that said hearing was held by and pursuant to an order of this Commission No. 347 made March 19, 1908 and returnable on the 27th day of March, 1908, and that the said order was duly served upon the Brooklyn Heights Railroad Company and that the said service was by it duly acknowledged and that the said hearing was held by and before the Commission on the matters in said order

specified on March 27th, 1908, and by adjournment duly had on April 9, 1908, before Mr. Commissioner Bassett, presiding, Arthur N. Dutton, Esq., appearing for the Brooklyn Heights Railroad Company, and proof having been taken at both of said sessions,

Now, it being made to appear after the proceedings upon said hearing that the regulations and service of the Brooklyn Heights Railroad Company, in respect to transportation of persons in the First District on the Flatbush Avenue Line has been and is unreasonable, improper and inadequate and that the said Brooklyn Heights Railroad Company does not run cars enough or with sufficient frequency on its Flatbush Avenue Line reasonably to accommodate the traffic offered for transportation to it and that it will be just, reasonable and proper that said service of the Brooklyn Heights Railroad Company on its Flatbush Avenue Line should be supplemented in the particulars hereinafter set forth at the points and at the times specified,

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That the service of the Brooklyn Heights Railroad Company on its Flatbush Avenue Line be changed, increased and supplemented at the points and times and in the particulars following, that is to say, by operating daily except Sundays during the periods mentioned, cars as follows:—

A—Westbound.

Leaving depot at Avenue "N" and 48th Street and running at least as far west as Borough Hall.

- (1) Between 6.00 and 6.30 a. m. not less than five (5) cars.
- (2) Between 6.30 and 7.00 a. m. not less than seven (7) cars.
- (3) Between 7.00 and 7.30 a. m. not less than eleven (11) cars.
- (4) Between 7.30 and 8.00 a. m. not less than fifteen (15) cars.
- (5) Between 8.00 and 8.30 a. m. not less than fifteen (15) cars.
- (6) Between 8.30 and 9.00 a. m. not less than twelve (12) cars.
- (7) Between 9.00 and 9.30 a. m. not less than ten (10) cars.
- (8) Between 9.30 and 10.00 a. m. not less than eight (8) cars.
- (9) Between 10.00 and 10.30 a. m. not less than seven (7) cars.
- (10) Between 10.30 and 11.00 a. m. not less than eight (8) cars.
- (11) Between 11.00 and 11.30 a. m. not less than eight (8) cars.
- (12) Between 12.30 and 1.00 p. m. not less than ten (10) cars.
- (13) Between 1.00 and 1.30 p. m. not less than ten (10) cars.
- (14) Between 1.30 and 2.00 p. m. not less than ten (10) cars.
- (15) Between 2.00 and 2.30 p. m. not less than ten (10) cars.
- (16) Between 7.00 and 7.30 p. m. not less than ten (10) cars.
- (17) Between 7.30 and 8.00 p. m. not less than six (6) cars.

B—Eastbound.

Leaving Borough Hall, and running at least as far east as Vanderveer Park (Flatbush and Nostrand Avenues).

- (18) Between 2.15 and 2.45 p. m. not less than ten (10) cars.
- (19) Between 2.45 and 3.15 p. m. not less than eleven (11) cars.
- (20) Between 3.15 and 3.45 p. m. not less than eleven (11) cars.
- (21) Between 3.45 and 4.15 p. m. not less than thirteen (13) cars.
- (22) Between 4.15 and 4.45 p. m. not less than fourteen (14) cars.
- (23) Between 4.45 and 5.15 p. m. not less than sixteen (16) cars.
- (24) Between 5.15 and 5.45 p. m. not less than fifteen (15) cars.
- (25) Between 5.45 and 6.15 p. m. not less than nineteen (19) cars.
- (26) Between 6.15 and 6.45 p. m. not less than fifteen (15) cars.
- (27) Between 6.45 and 7.00 p. m. not less than six (6) cars.
- (28) Between 10.15 and 10.45 p. m. not less than five (5) cars.
- (29) Between 10.45 and 11.45 p. m. not less than ten (10) cars.

At all other periods of the day and on Sundays there shall be operated at least the number of cars called for by schedule of March 30, 1908, as supplemented by Patch No. 1, filed with the Public Service Commission.

And it is further Ordered, That this order shall take effect on May eighth, 1908, and shall continue in force for a period of two years from and after the taking effect of the same but without prejudice to an order for further or additional hearings and action thereon by the Commission in respect of anything herein prescribed or in respect of anything covered by the order for hearing herein prior to the expiration of said period of two years.

Further Ordered, That before May fourth, 1908, said Brooklyn Heights Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

- (22) O-435
Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 435).

In the Matter
of
The Hearing on the Motion of the Commission on the Question of Improvements in and Addition to the Service of the Third Avenue Railroad Company and of Frederick W. Whitridge, as Receiver of said Company.

Kingsbridge Surface Line.

It is hereby Ordered, That a hearing be had on the 6th day of May, 1908, at 3:00 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at

the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices and service of the Third Avenue Railroad Company, or of Frederick W. Whitridge, as Receiver of the said Third Avenue Railroad Company, in respect to transportation of persons in the First District on the Kingsbridge surface line, are unreasonable, improper or inadequate, and whether the said Third Avenue Railroad Company, or the said Frederick W. Whitridge, as Receiver of the said Third Avenue Railroad Company, run cars enough or with sufficient frequency or upon a reasonable time schedule reasonably to accommodate passenger traffic transported by them or offered for transportation to them, and if such be found to be the fact then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be just, reasonable, proper and adequate to direct that the service of the said Third Avenue Railroad Company, or of Frederick W. Whitridge, its Receiver, on the Kingsbridge surface line, be increased, supplemented and changed in the following manner, that is to say:

(1) By routing cars from 125th Street and East River to the northerly terminus of the line instead of from 125th Street and 8th Avenue, as at present.

(2) By operating daily including Sundays, except between the hours of 2 a. m., and 5 a. m., over every point of the Kingsbridge Line between 125th Street and East River and the northerly terminus of the line a sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. (10%) in excess of the number of passengers at that point; the number of cars passing any point to be, however, never less than six (6) per hour in each direction except between the hours of 2 a. m. and 5 a. m.

(3) By making such other and further changes in the schedule and manner of operating cars on the Kingsbridge surface line between 125th Street and East River and the northerly terminus of the line as may be just and reasonable.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Third Avenue Railroad Company, and Frederick W. Whitridge, as Receiver of the Third Avenue Railroad Company, be given at least ten days' notice of such hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing said Company and its Receiver be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Maltbie to conduct the hearing.

(23)

O-436

Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 436).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Additions to the Service and Equipment of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company.

Eighth Avenue-Line.

It is hereby Ordered, That a hearing be had on the 6th day of May, 1908, at 2:30 o'clock in the afternoon or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices and service of the New York City Railway Company or of Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, in respect to the transportation of persons in the First District on the Eighth Avenue Line, are unreasonable, improper or inadequate, and whether the New York City Railway Company or the said Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, run cars enough or with sufficient frequency, or upon a reasonable time schedule, reasonably to accommodate the passenger traffic transported by them or offered for transportation to them on the Eighth Avenue Line, and if such be found to be the fact then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be just, reasonable, proper and adequate to direct that the service of the said New York City Railway Company or of Adrian H. Joline and Douglas Robinson, its Receivers, be increased, supplemented or changed in the following manner, that is to say:

(1) By operating daily including Sundays over every point on the Eighth Avenue Line between 13th Street and the northerly terminus of the line either

(a) a sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. (10%) in excess of the number of passengers at that point; the number of cars passing any point to be, however, never less than six (6) per hour in each direction; or

(b) a minimum number of twenty-five (25) cars in one direction in each fifteen (15) minute period in which the provisions of subdivision (a) above are not complied with.

(2) By operating daily including Sundays over every point of the Eighth Avenue Line between 13th Street and the southerly terminus of the line either

(a) a sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. (10%) in excess of the number of passengers at that point; the number of cars passing any point to be, however, never less than six (6) per hour in each direction; or

(b) a minimum number of twelve (12) cars in one direction in each fifteen (15) minute period in which the provisions of subdivision (a) above are not complied with.

That at the same time and place a hearing be had to inquire whether Order Number 114, entered and filed in the office of the Public Service Commission for the First District on November 27, 1907, directed to the New York City Railway Company and to Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, in respect to service on the Eighth Avenue Line, should be abrogated, changed or modified.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, and if the said Order Number 114 is found to be such as ought to be abrogated, changed or modified, then to determine what period would be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said New York City Railway Company and Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, be given at least 10 days' notice of such hearing, by service upon them, either personally or by mail, of a certified copy of this order, and that at such hearing the said company and its Receivers be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Maltbie to conduct the hearing.

(24)

2092

The Secretary presented a communication, dated April 23d, from the Counsel to the Commission with regard to condemnation proceedings in connection with certain property on Centre and Walker Streets required for the Brooklyn Loop Lines, transmitting the following resolution, which was moved and duly seconded:

Whereas, The Public Service Commission for the First District having deemed it to be necessary and proper that the City of New York should acquire certain parcels of property situated in the City of New York, Borough of Manhattan, required for the construction, maintenance and operation of a part of the Brooklyn Loop Lines of the Rapid Transit Railroad to be constructed by the Degnon Contracting Company in pursuance of a contract bearing date the 9th day of May, 1907, made between it and

the City of New York acting by the Board of Rapid Transit Railroad Commissioners, said parcels of property consisting of certain lots designated on said maps or plans as follows: Lot No. 3, known as No. 142 Centre Street; Lot No. 4, known as No. 144 Centre Street; Lot No. 5, known as Nos. 146, 148 and 150 Centre Street and Nos. 111, 113 and 115 Walker street; Lot No. 7, known as No. 117 Walker street; and Lots Nos. 8 and 9, known as Nos. 119 and 121 Walker street; and the Commission having for the purpose of acquiring said parcels of property duly made maps or plans and memoranda specifying and defining said parcels of property so to be acquired, and having duly certified, filed and transmitted the several copies of said maps or plans, and having duly directed the Corporation Counsel to take legal proceedings to acquire said parcels of property for the City of New York, and said Corporation Counsel having thereupon duly taken legal proceedings to acquire the same and such proceedings having been duly had that on the 13th day of April, 1908, an order was duly made and entered at a Special Term of the Supreme Court, in and for the County of New York, appointing three disinterested freeholders, residents of the City of New York, as commissioners of appraisal to ascertain and appraise the compensation to be made to the owners of said parcels of property, and fixing the time and place for the first meeting of the commissioners, and said commissioners having duly taken and subscribed the oath required by the Twelfth Article of the Constitution of the State of New York, and having forthwith filed the same in the office of the Clerk of the County of New York, and the City of New York having thereupon become seized and possessed in fee or absolute ownership of all of said parcels of property; and

Whereas, Certain of said property, so acquired as aforesaid, has become unnecessary for rapid transit purposes, to-wit, the buildings erected on said parcels of property, which in order to construct said Brooklyn Loop Lines, must be torn down and the material thereof removed, and for that purpose the Commission desires to sell said buildings, on condition that the same be torn down and the material thereof removed speedily; now therefore it is

Resolved, That the approval of the Commissioners of the Sinking Fund of the City of New York of the sale of said buildings erected on said parcels of property, be and the same hereby is requested; and it is further

Resolved, That if such approval is given, said Commissioners be and they hereby are requested to supervise such sale, and that the proceeds thereof be applied, under the direction of the Commission, to the purchase of other property necessary for rapid transit purposes, or be applied in all respects as the payment of rental to be made by the contractor, as provided in Chapter 4 of the Laws of 1891 and its amendments.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(25)

Pur. Agt.

The Secretary presented the following vouchers, the bills of which had been duly approved by Commissioner Bassett, as Committee on Audit for the month of April, whereupon, on motion duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of the City of New York for payment.

Voucher No.	In Favor of	Services or Material	Amount
993	Martin B. Brown Co.....	Printing minutes, reports, etc., Bills Apr. 14 (3) 1908.....	\$1,631.95
994	Clarke & Baker Co.....	Furniture, Bill Mar. 31, 1908.....	9.00
995	The Engineering Magazine..	Periodical articles furnished, Bill Apr. 15, 1908..	45.75
996	Fowler Mfg. Co.....	Toilet service, mon. March, Bill Apr. 1, 1908.....	20.13
997	A. M. Gilbert.....	Professional services inspecting transit conditions, Jan. 1 to Jan. 15, 1908, Bill Apr. 1, 1908.....	48.39
998	Great Bear Spring Co.....	Spring water, Bill Mar. 31, 1908.....	16.20
999	Hogan & Gelling.....	Electrical work, etc., Bill Apr. 3, 1908.....	30.25
1000	E. Belcher Hyde.....	Maps, Bill Apr. 11, 1908.....	8.00
1001	Koller & Smith.....	Furniture, Bill Apr. 3, 1908.....	14.00
1002	Library of Congress.....	Catalog cards, Jan. 1 to Mar. 31, 1908, Bill Mar. 9, 1908.....	15.96
1003	J. B. Lyon Co.....	Printing, Bill Apr. 1, 1908.....	38.00
1004	Patterson Brothers.....	Door check, Bill Apr. 13, 1908.....	3.75
1005	W. E. Scudder.....	Stationery, Bill Mar. 31, 1908.....	33.00
1006	George M. Shotwell.....	Stenographic minutes, Bill Apr. 14, 1908.....	11.25
1007	W. & J. Sloane.....	Carpets, etc., Bills Dec. 12 (3), 1907; Feb. 17, Mar. 9, 1908.....	341.47
1008	Weston Electrical Instrument Company.....	Electrical Instruments, Bill Feb. 24, 1908.....	119.37
1009	W. A. Aiken, Gen'l Inspector of Material.....	Disbursements, March, 1908.....	84.83
1010	Geo. Hallett Clark, 1st Div. Engineer.....	Disbursements, March, 1908.....	7.90
1011	Geo. F. Daggett, Chief Clerk, Bureau of Complaints and Accidents.....	Disbursements, March, 1908.....	83.30
1012	John E. Eustis, Commissioner	Disbursements, March, 1908.....	11.00
1013	H. A. D. Hollmann, Auditor	Disbursements, March, 1908.....	25.67
1014	Thomas D. Hoxsey, Secretary, Bureau of Gas and Electricity	Disbursements, March, 1908.....	51.89
1015	Wm. McCarroll, Commissioner	Disbursements, February, 1908.....	1.05
1016	Andrew W. McLimont, Elec. Engineer	Disbursements, March, 1908.....	33.14
1017	Milo R. Maltbie, Commissioner	Disbursements, March, 1908.....	36.35
1018	John H. Myers, 2nd Div. Engineer	Disbursements, March, 1908.....	3.99
1019	Frederick C. Noble, 5th Div. Engineer	Disbursements, March, 1908.....	11.14
1020	C. V. V. Powers, 3rd & 4th Div. Engineer.....	Disbursements, March, 1908.....	19.84
1021	Amos L. Schaeffer, Sewer Div. Engineer.....	Disbursements, March, 1908.....	21.07
1022	Oliver C. Semple, Asst. Counsel	Disbursements, March, 1908.....	70.45

Voucher No.	In Favor of	Services or Material	Amount
1023	Charles B. Thomas, Inspector of Steel.....	Disbursements, March, 1908.....	6.95
1024	D. L. Turner, Gen'l Inspector of Stations.....	Disbursements, March, 1908.....	36.66
1025	D. L. Turner, Gen'l Inspector of Stations.....	Disbursements, March, 1908.....	113.32
1026	D. L. Turner, Gen'l Inspector of Stations.....	Disbursements, March, 1908.....	383.91
1027	Adna F. Weber, Chief Stationist.....	Disbursements, March, 1908.....	7.85
Total.....			<u>\$3,396.78</u>
1028	The New York Herald Co..	Advertising—Brooklyn Loop Lines, Section 9-0-4, Easements in Cleveland Place, etc., Broome St., etc., Borough of Manhattan.....	566.40
1029	The Evening Mail.....	Advertising—Brooklyn Loop Lines, Section 9-0-4, Easements in Cleveland Place, etc., Broome St., etc., Borough of Manhattan.....	633.60
1030	The Globe & Commercial Advertiser	Advertising Brooklyn Loop Lines, Section 9-0-2, Easements at or near the southeasterly corner of Walker & Centre Sts., Borough of Manhattan..	470.40
1031	The New York Times.....	Advertising Brooklyn Loop Lines, Section 9-0-2, Easements at or near the southeasterly corner of Walker & Centre Sts., Borough of Manhattan..	480.00
1032	The New York Herald Co..	Advertising, Manhattan-The Bronx Construction, viz., Fort George and Van Cortlandt Park Extensions, 11th Ave., Nagle Ave. Amsterdam or Tenth Ave. and Kingsbridge Road or Broadway to a point 288 ft. northerly of 242nd St. in the Boroughs of Manhattan and The Bronx.....	844.80
1033	The Evening Mail.....	Advertising—Manhattan, The Bronx Construction, viz.—Fort George and Van Cortlandt Park Extensions, 11th Ave. Nagle Ave. Amsterdam or Tenth Ave. and Kingsbridge Road or Broadway to a point 288 ft. northerly of 242nd street in the Boroughs of Manhattan and The Bronx....	955.20
Total.....			<u>\$3,950.40</u>

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, APRIL 28, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

2139

The Secretary presented a letter, dated April 24, from Joseph Haag, Secretary of the Board of Estimate and Apportionment, transmitting a copy of a communication from the Comptroller to the Board of Estimate and Apportionment, and a certified copy of a statement presented by the President of the Borough of Brooklyn to the Board of Estimate and Apportionment, all with reference to the construction of the Broadway-Lafayette subway. The papers were ordered filed.

(2)

2092

The Secretary presented the following communication from the Corporation Counsel of the City of New York, which was ordered filed:

NEW YORK, April 23rd, 1908.

IN RE RAPID TRANSIT SUBWAY UNDER PROPERTY AT OR NEAR THE SOUTHEAST CORNER OF
CENTRE AND WALKER STREETS, MANHATTAN.

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission, First District:

SIR—I beg to advise you that upon the petition of the Public Service Commission for the First District of the State of New York, verified the 20th day of March, 1908, application was made on March 24, 1908 to the Supreme Court, First Department, Special Term, Part III for the appointment of Commissioners of Appraisal in the above entitled proceeding to ascertain and appraise the compensation to be made to the owners of the several parcels of property shown upon the maps adopted by the Public Service Commission for the First District on the 17th day of December, 1907.

Upon such application an order was made bearing date the 13th day of April, 1908, and entered in the office of the Clerk of the County of New York on the 14th

(30)

April 28, 1908.]

940

day of April, 1908, appointing William Harman Black, Nathan Fernbacher and Samuel Sanders Commissioners of Appraisal in the above entitled proceeding.

Thereafter, and on the 21st day of April, 1908, Commissioners of Appraisal so appointed took the required oath of office as such Commissioners, and on the 22nd day of April, 1908, the oaths of said Commissioners were filed in the office of the Clerk of the County of New York, and upon that date title to the property to be acquired in the above entitled proceeding vested in the City of New York pursuant to the provisions of Chapter 4 of the laws of 1891 as amended.

Respectfully yours,

(Signed) G. L. STERLING,
Acting Corporation Counsel.

(3)

3347

The Secretary presented a resolution from the Board of Aldermen dated April 21st, urging the Public Service Commission to confer with the Receivers of the Street Railroads involved in order to arrange a system of transfers at all intersecting points covered by the decision of the Circuit Court rendered March 31st, 1908 abolishing the then existing transfer system. The resolution was referred to the Committee of the Whole.

(4)

2532

The Secretary presented the following notice of deposit from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which was ordered filed.

April 20th, 1908.

DEAR SIR—I beg to advise you that on April 16th, 1908, the sum of Ten Thousand Dollars (\$10,000.00) was deposited to the credit of Revenue Bond Fund—For Public Service Commission for the 1st District, New York, Expenses of. Authorized December 20th, 1907, pursuant to the provisions of Section 10, Chapter 4, Laws of 1891 as amended by Section 14, Chapter 429, Laws of 1907.

(5)

O-437

The Secretary presented the following order, and it was moved and duly seconded that the same be adopted by the Commission:

ORDER (No. 437).

In the Matter
of

Information to be supplied by Railroad Corporations and Street Railroad Corporations within the First District as to number of car motors, car bodies and car trucks operated by them.

Resolved, That every railroad corporation and street railroad corporation under the jurisdiction of the Public Service Commission for the First District be and it hereby is required to make and file with the Secretary of the said Commission:

[April 28, 1908.]

(1) Specific answer, semi-annually, to each of the questions shown on the attached form entitled "Table of Car Motors" as to any car motors owned, used or operated by such company, said answers to be made as of July 1st and January 1st in each year, and to be filed on or before July 20th and January 20th, respectively, thereafter; except that the first answer under this section shall be made as of May 1, 1908, and shall be filed on or before May 20, 1908, instead of being made as of July 1, 1908, and filed on or before July 20, 1908.

(2) Specific answer, monthly, to each of the questions shown on the attached form entitled "Table of Car Motors" as to any additional car motors owned, used or operated by such company, after the making and filing of the information required by and under the foregoing requisition (1), the said answers to be made as of the first day of each month, and to be filed on or before the tenth day of such month and to cover such additional car motors for the preceding month.

(3) Specific answer, semi-annually, to each of the questions shown on the attached form entitled "Table of Car Bodies" as to any car bodies owned, used or operated by such company, the answers to be made as of July 1st, and January 1st in each year, and to be filed on or before July 20th and January 20th, respectively, thereafter; except that the first answer under this section shall be made as of May 1st, 1908, and shall be filed on or before May 20, 1908, instead of being made as of July 1, 1908, and filed on or before July 20, 1908.

(4) Specific answer, monthly, to each of the questions shown on the attached form entitled "Table of Car Bodies" as to any additional car bodies owned, used or operated by such company after the making and filing of the information required by and under the foregoing requisition (3), the said answers to be made as of the first day of each month, and to be filed on or before the tenth day of such month and to cover such additional car bodies for the preceding month.

(5) Specific answer, semi-annually, to each of the questions shown on the attached form entitled "Table of Car Trucks" as to any car trucks owned, used or operated by such company, the answers to be made as of July 1st and January 1st in each year and to be filed on or before July 20th and January 20th, respectively, thereafter; except that the first answer under this section shall be made as of May 1st, 1908, and shall be filed on or before May 20, 1908, instead of being made as of July 1, 1908, and filed on or before July 20, 1908.

(6) Specific answer, monthly, to each of the questions shown on the attached form entitled "Table of Car Trucks" as to any additional car trucks owned, used or operated by such company after the making and filing of the information required by and under the foregoing requisition (5), the said answers to be made as of the first day of each month and to be filed on or before the tenth day of such month, and to cover such additional car trucks for the preceding month. And it is further

Resolved, That this order shall take effect on the 28th day of April, 1908, and shall continue in force until and including January 20th, 1910, unless earlier modified or abrogated by the Commission.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

*(6)

O-445

George S. Coleman, Counsel to the Commission, presented the following resolution, and after a statement with regard thereto, it was moved, and duly seconded, that the resolution be adopted:

ORDER (No. 445).

In the Matter
of

The application of Interborough Rapid
Transit Company for authority to execute a mortgage on all of its property to secure an issue of bonds, and issue bonds and for other purposes.

Whereas, By resolutions duly adopted by the Public Service Commission for the First District on April 23, 1908, Interborough Rapid Transit Company was authorized to execute its mortgage unto Morton Trust Company, as Trustee, dated as of November 1, 1907, to secure an issue of the Forty-five year Gold Bonds of the said Company, and of its Gold Notes, as therein specified, and also its Trust Agreement to Morton Trust Company, as Trustee, dated as of May 1, 1908, said Mortgage and Trust Agreement to be in the form identified by said resolutions as 17th revise and 7th revise, respectively, and

Whereas, pursuant to said resolutions, the said Interborough Rapid Transit Company has executed and filed with the Secretary of this Commission on April 28, 1908, duplicate originals of said Mortgage and Trust Agreement, authorized as aforesaid, containing certain corrections and changes of form which have been heretofore submitted to and informally approved by this Commission as tending to improve and perfect said instruments, it is hereby

Ordered, That the Public Service Commission for the First District does hereby approve and consent to the execution by the said petitioner, Interborough Rapid Transit Company, of its said mortgage unto Morton Trust Company, as Trustee, dated as of November 1, 1907, the duplicate original of which is filed in the office of the Secretary of the Commission on this 28th day of April, 1908, and

Further Ordered, That the Commission does hereby approve and consent to the execution by Interborough Rapid Transit Company of its said Trust Agreement unto Morton Trust Company, as Trustee, dated May 1, 1908, the duplicate original of which is filed in the office of the Secretary of the Commission on this 28th day of April, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

*Item corrected by resolution duly adopted by the Commission May 5, 1908.

(7)

O-439

Commissioner Bassett presented the following order:

EXTENSION ORDER (No. 439):

Bird S. Coler, President, Borough of
Brooklyn,

Complainant,

against

Nassau Electric Railroad Company,
Defendant.

Order No. 439, extending the time within which the Defendant may answer Final Order No. 388 as to repairs on Farragut Road in the Borough of Brooklyn, to and including May 1st, 1908, was approved, confirmed and ordered filed in the office of the Commission.

(8)

O-440

Commissioner Bassett presented the following order:

EXTENSION ORDER (No. 440).

Bird S. Coler, President, Borough of
Brooklyn,

Complainant,

against

Brooklyn City Railroad Company, Brook-
lyn Heights Railroad Company, Nassau
Electric Railroad Company,

Defendants,

Order No. 440, extending the time within which the Defendants may answer Final Order No. 389 as to repairs on Vanderbilt Avenue, Nassau Avenue, Franklin Street, Manhattan Avenue and Driggs Avenue in the Borough of Brooklyn, to and including May 1st, 1908, was approved, confirmed and ordered filed in the office of the Commission.

(9)

O-441

Commissioner Bassett presented the following order:

EXTENSION ORDER (No. 441).

West End Board of Trade, by D. B.
Seaver, Second Vice-President,

Complainant,

against

Brooklyn Union Elevated Railroad Com-
pany, Brooklyn Heights Railroad Com-
pany, and Nassau Electric Railroad Com-
pany,

Defendants,

Order No. 441, extending the time within which the Defendants may answer complaint order No. 375, as to the operation of trains and surface cars at the Sixty-Fifth Street and Third Avenue terminal, Brooklyn, to and including May 2d, 1908, was approved, confirmed, and ordered filed in the office of the Commission.

(10)

O-442

Commissioner Bassett moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 442).

Paul Gorham, as President of the South
Midwood Residents' Association,
Complainant,
against

Nassau Electric Railroad Company, Ameri-
can Railway Traffic Company of New
York and Brooklyn Heights Railroad
Company,
Defendants.

Noise caused by cars at curve at
Ocean Avenue and Avenue F.

This matter coming on upon the complaint of Paul Gorham, as President of the South Midwood Residents' Association, bearing date the 6th day of Jan., 1908, and the answers thereto received March 13, 1908, of the Nassau Electric Railroad Company, the American Railway Traffic Company of New York and of the Brooklyn Heights Railroad Company and the report of the hearing had herein on the 13th day of April, 1908, and it appearing that said hearing was held by and pursuant to an order of this Commission made March 31, 1908, and returnable on the 13th day of April, 1908, and that the said order was duly served upon the Nassau Electric Railroad Company, the American Railway Traffic Company of New York and the Brooklyn Heights Railroad Company, and that the said service was by all of the said companies duly acknowledged, and that the said hearing was held by and before the Commission on the matters in said order specified on April 13, 1908, and by adjournment duly had on April 20, 1908, at both of which sessions Mr. Commissioner Bassett presided, Paul Gorham, Esq., appearing in person as complainant, Arthur N. Dutton, Esq., appearing for the Nassau Electric Railroad Company and the Brooklyn Heights Railroad Company, and Arthur DuBois, Esq., appearing for the Public Service Commission for the First District;

Now, upon the complaint and answer herein it appearing that the American Railway Traffic Company of New York is not concerned in the matters complained of, and the Commission being of the opinion after the proceedings upon the said hearing that the regulations, practices, equipment, appliances and service of the Nassau Electric Railroad Company and of the Brooklyn Heights Railroad Company in respect to the operation of cars at the corner of Ocean Avenue and Avenue F, in the Borough of Brooklyn, are in certain particulars unsafe, unreasonable and improper, and in the judgment of the Commission certain changes, improvements and additions thereto being such as ought reasonably to be made in the manner below set forth in order to promote the security or convenience of the public, and it being the judgment of the Commission that the changes, additions and improvements in regulations, equipment, appliances and service of the said companies as below set forth are such as are just, reasonable, safe, adequate and proper and ought reasonably to be made to promote the security and convenience of the public;

Therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, (1) That the complaint herein be in all respects dismissed as to the American Railway Traffic Company of New York.

(2) That the Nassau Electric Railroad Company and the Brooklyn Heights Railroad Company take the necessary steps to have all curved outside rails on the curve formed by the intersection of Ocean Avenue and Avenue F regularly and thoroughly greased at least once in every three hours during the night and day.

(3) That the Nassau Electric Railroad Company and the Brooklyn Heights Railroad Company take such other and further steps for the lubrication of the rails at the curve formed by the intersection of Ocean Avenue and Avenue F as may be necessary for the reduction of the noise caused by friction of the car wheels against the rails at this point.

And it is further

Ordered, That this order shall take effect on May 5th, 1908, and shall continue in force for a period of two years from and after the taking effect of the same, but without prejudice to an order for further or additional hearings and action thereon by the Commission in respect of anything herein prescribed or in respect of anything covered by the order for hearing herein prior to the expiration of said period of two years.

And it is further

Ordered, That before May 5th, 1908, the said Nassau Electric Railroad Company and the Brooklyn Heights Railroad Company notify the Public Service Commission for the First District whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(11)

O-443

Commissioner Maltbie moved the adoption of the following order, which was duly seconded:

ORDER (No. 443).

In the Matter
of

Information to be supplied by every Railroad Corporation under the jurisdiction of the Public Service Commission for the First District, with respect to the number of cars owned and operated and the kinds of Fenders, Wheel Guards and Brakes with which they are equipped.

Resolved, That every Street Railroad Corporation under the jurisdiction of the Public Service Commission for the First District be and hereby is required to file with the Secretary of the Commission, on or before May 10, 1908, a full and complete answer to each of the questions in the following form, such answers to be as of May 1, 1908.

946

SIRS: This Company owns _____ cars and operates upon its lines _____ cars, of which _____ cars are owned by _____ These cars are equipped with fenders, wheel guards and brakes, as set forth below.

Remarks: _____ Respectfully,

"I move the adoption of this resolution, Mr. Chairman, as a first step towards the reduction of the large number of fatal and serious accidents upon our street railways.

"There is another phase of the subject. For the year ending June 30, 1907, the street railways of New York City paid out for injuries and damages, due to accidents, over \$2,500,000. Over one-half of this sum was paid by the Manhattan companies and one-third by the Brooklyn companies. Anything, therefore, which will reduce the number of accidents will not only be a blessing to humanity but will result in a saving financially to the companies.

"It is probably true that even with the best devices that can be adopted and with the greatest of care, it will not be possible to prevent accidents entirely, many of which will be serious and even fatal. But until the subject has been thoroughly investigated and every suggested remedy fully considered, our duty will not have been done, and it seems probable that the number of accidents can be very greatly reduced.

"The most important factors in the prevention of accidents are brakes, fenders and wheel guards. Certain types of each are much more effective than others, and in view of the high speed with which cars are run and in view of the congested character of many districts of the City, it is essential that only the most effective types of brakes and fenders be used and that all of low efficiency be eliminated as rapidly as possible. Our Division of Accidents has investigated hundreds of cases and it is the opinion of the Chief of the Division, Mr. Daggett, that fully one-half of the accidents would be prevented if a brake of the high power and efficiency claimed for the magnetic track brake were in universal use. A large number of lives would be saved and injuries avoided if every car were equipped with the best type of fender and wheel guard.

"I move, therefore, that the companies be directed to report the facts called for in the resolution I have just offered, that the Electrical Engineer be directed to report upon the relative efficiency of the various types of brakes, fenders and wheel guards used by the street railway companies under the jurisdiction of this Commission, and that, pending the submission of this report, an order for a hearing be issued as to the advisability of requiring every company to submit to the Commission for its approval the types of brakes, fenders and wheel guards to be used upon all cars hereafter purchased before such cars are ordered by the companies."

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(12)

O-444

The Secretary presented a communication from George S. Coleman, Counsel to the Commission, transmitting a form of resolution as to the application of the Interborough Rapid Transit Company for leave to place the remainder of the Brooklyn subway in operation on the first day of May, 1908. Thereupon, the following resolution, as drafted by the Counsel, was moved and duly seconded:

ORDER (No. 444).

In the Matter
of

The Application of the Interborough Rapid
Transit Company for authority to extend
the operation of the Brooklyn-Manhattan
Subway to Flatbush avenue.

Whereas, From time to time portions of the Brooklyn-Manhattan Rapid Transit Railroad, being the rapid transit railroad constructed under contract of July 21, 1902,

as modified, between the City of New York and Rapid Transit Subway Construction Company, have been opened for operation, and

Whereas, The road is now being operated from its terminus at or near the Post Office in the Borough of Manhattan to the Borough Hall Station in the Borough of Brooklyn, and

Whereas, The Interborough Rapid Transit Company, to which has been assigned the operating part of such contract, has requested that it be authorized and permitted to place the section of said railroad from Borough Hall Station to the terminus of the road at the Flatbush Avenue Station of the Long Island Railroad in operation on the 1st day of May, 1908, at 12:50 o'clock A. M., and

Whereas, The road will then be operated from its terminus in the Borough of Manhattan to its terminus in the Borough of Brooklyn, now therefore be it

Resolved, That the Interborough Rapid Transit Company be and it hereby is authorized to operate the portion of such road not at present operated from the Borough Hall Station to the Flatbush Avenue Station of the Long Island Railroad, and since passengers will then be carried along the entire length of said railroad, it is further

Resolved and Declared, That the entire railroad, constructed as aforesaid under the said contract of July 21, 1902, is ready for operation, from May 1, 1908, at 12:50 o'clock A. M.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(13)

3365

The Secretary presented the following communication from the Brooklyn Union Elevated Railroad Company, which was referred to Commissioner McCarroll:

April 20, 1908.

To the Public Service Commission, First District, State of New York:

GENTLEMEN—The Brooklyn Union Elevated Railroad Company, a domestic corporation, duly incorporated, organized and existing under and by virtue of the Laws of the State of New York, pursuant to the "Stock Corporation Law," which owns and operates a double track elevated railroad in Flatbush avenue, in Fulton street and in Myrtle avenue in the Borough of Brooklyn, City and State of New York, did, on the 9th day of September, 1907, make an application for a franchise to extend the same along what is known as the extension of Flatbush avenue, beginning at a point where Flatbush avenue intersects Fulton street and extending northerly along and through said extension to Flatbush avenue and Nassau street. Said application was made to your Honorable Body, subject to the approval of the Board of Estimate and Apportionment of the City of New York as provided in Chapter 429 of the Laws of 1907 and Chapter 4 of the Laws of 1891, together with all acts amendatory thereof and supplementary thereto.

[April 28, 1908.]

Said franchise, if granted, will permit the connection of the elevated railroad on Myrtle Avenue, Flatbush avenue and on Fulton street with the said extension and thereby enable the Brooklyn Union Elevated Railroad Co. to operate elevated railroad trains to the Bridge Plaza of the Manhattan Bridge at or near Nassau street, in the Borough of Brooklyn.

On said September 9, 1907, the Brooklyn Union Elevated Railroad Co. made application to the Board of Estimate and Apportionment of the City of New York for a contract for the exclusive use of two of the tracks provided for elevated railroads upon and across the Manhattan bridge and approaches when constructed across the East River, together with the necessary terminals, switches, sidings, turnouts, wires and equipment for the operation of its said elevated cars from the Borough of Brooklyn over and across said bridge and approaches.

We have been informed that the Corporation Counsel has rendered an opinion determining that such application for the right to the exclusive use of said two tracks on the Manhattan Bridge and approaches should have been made to your Honorable Body, instead of the Board of Estimate and Apportionment of the City of New York.

Therefore, the Brooklyn Union Elevated Railroad Company does hereby make application to your Honorable Body for the right to the exclusive use of two of the tracks provided for elevated railroads upon and across the Manhattan Bridge and approaches, when constructed across the East River, together with the necessary connections, terminals, switches, sidings, turnouts, wires and equipment for the operation of its said elevated railroad cars from the Borough of Brooklyn over and across said bridge and approaches thereto.

Respectfully submitted,

BROOKLYN UNION ELEVATED RAILROAD COMPANY,

(Signed) By HENRY SEIBERT, President.

State of New York,
City of New York,
County of Kings,
Borough of Brooklyn, ss.:

Henry Seibert being duly sworn, deposes and says, that he is President of the Brooklyn Union Elevated Railroad Company, which is a domestic corporation of the State of New York; that the facts stated in the above application are true to his own knowledge, except as to the matters therein stated on information and belief and as to those matters he believes it to be true, and that he is authorized by the Board of Directors to make this application on behalf of said company.

(Signed) HENRY SEIBERT.

Sworn to before me this 21st day of April, 1908.

J. H. BENNINGTON,

Notary Public, Kings County, N. Y.

as modified, between the City of New York and Rapid Transit Subway Construction Company, have been opened for operation, and

Whereas, The road is now being operated from its terminus at or near the Post Office in the Borough of Manhattan to the Borough Hall Station in the Borough of Brooklyn, and

Whereas, The Interborough Rapid Transit Company, to which has been assigned the operating part of such contract, has requested that it be authorized and permitted to place the section of said railroad from Borough Hall Station to the terminus of the road at the Flatbush Avenue Station of the Long Island Railroad in operation on the 1st day of May, 1908, at 12:50 o'clock A. M., and

Whereas, The road will then be operated from its terminus in the Borough of Manhattan to its terminus in the Borough of Brooklyn, now therefore be it

Resolved, That the Interborough Rapid Transit Company be and it hereby is authorized to operate the portion of such road not at present operated from the Borough Hall Station to the Flatbush Avenue Station of the Long Island Railroad, and since passengers will then be carried along the entire length of said railroad, it is further

Resolved and Declared, That the entire railroad, constructed as aforesaid under the said contract of July 21, 1902, is ready for operation, from May 1, 1908, at 12:50 o'clock A. M.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(13)

3365

The Secretary presented the following communication from the Brooklyn Union Elevated Railroad Company, which was referred to Commissioner McCarroll:

April 20, 1908.

To the Public Service Commission, First District, State of New York:

GENTLEMEN—The Brooklyn Union Elevated Railroad Company, a domestic corporation, duly incorporated, organized and existing under and by virtue of the Laws of the State of New York, pursuant to the "Stock Corporation Law," which owns and operates a double track elevated railroad in Flatbush avenue, in Fulton street and in Myrtle avenue in the Borough of Brooklyn, City and State of New York, did, on the 9th day of September, 1907, make an application for a franchise to extend the same along what is known as the extension of Flatbush avenue, beginning at a point where Flatbush avenue intersects Fulton street and extending northerly along and through said extension to Flatbush avenue and Nassau street. Said application was made to your Honorable Body, subject to the approval of the Board of Estimate and Apportionment of the City of New York as provided in Chapter 429 of the Laws of 1907 and Chapter 4 of the Laws of 1891, together with all acts amendatory thereof and supplementary thereto.

Said franchise, if granted, will permit the connection of the elevated railroad on Myrtle Avenue, Flatbush avenue and on Fulton street with the said extension and thereby enable the Brooklyn Union Elevated Railroad Co. to operate elevated railroad trains to the Bridge Plaza of the Manhattan Bridge at or near Nassau street, in the Borough of Brooklyn.

On said September 9, 1907, the Brooklyn Union Elevated Railroad Co. made application to the Board of Estimate and Apportionment of the City of New York for a contract for the exclusive use of two of the tracks provided for elevated railroads upon and across the Manhattan bridge and approaches when constructed across the East River, together with the necessary terminals, switches, sidings, turnouts, wires and equipment for the operation of its said elevated cars from the Borough of Brooklyn over and across said bridge and approaches.

We have been informed that the Corporation Counsel has rendered an opinion determining that such application for the right to the exclusive use of said two tracks on the Manhattan Bridge and approaches should have been made to your Honorable Body, instead of the Board of Estimate and Apportionment of the City of New York.

Therefore, the Brooklyn Union Elevated Railroad Company does hereby make application to your Honorable Body for the right to the exclusive use of two of the tracks provided for elevated railroads upon and across the Manhattan Bridge and approaches, when constructed across the East River, together with the necessary connections, terminals, switches, sidings, turnouts, wires and equipment for the operation of its said elevated railroad cars from the Borough of Brooklyn over and across said bridge and approaches thereto.

Respectfully submitted,

BROOKLYN UNION ELEVATED RAILROAD COMPANY,
(Signed) By HENRY SEIBERT, President.

State of New York,
City of New York,
County of Kings,
Borough of Brooklyn, ss.:

Henry Seibert being duly sworn, deposes and says, that he is President of the Brooklyn Union Elevated Railroad Company, which is a domestic corporation of the State of New York; that the facts stated in the above application are true to his own knowledge, except as to the matters therein stated on information and belief and as to those matters he believes it to be true, and that he is authorized by the Board of Directors to make this application on behalf of said company.

(Signed) HENRY SEIBERT.

Sworn to before me this 21st day of April, 1908.

J. H. BENNINGTON,
Notary Public, Kings County, N. Y.

April 28, 1908.]

950

(14) \

2090

The Secretary stated that the following letter had been drawn and would be sent by the Chairman to the Commissioner of Bridges:

April 28, 1908.

Mr. J. W. STEVENSON, *Commissioner, Department of Bridges*, 13 Park Row, New York City:

DEAR SIR—The Public Service Commission is proceeding with the preparation of plans for the Broadway portion of the Brooklyn loop lines. This involves the use of the Williamsburg Bridge by trains composed of all steel motor cars. Will this bridge carry trains composed of ten steel motor cars weighing forty-eight tons each? If not, how many of such motor cars may each train be composed of? An answer to these questions at your earliest convenience will be an assistance to the Commission in the advancement of its work.

Yours very truly,

(Signed) WM. R. WILLCOX, Chairman.

(15)

C-1886

The Secretary presented a communication from the West Side Taxpayers' Association, asking for the establishment of a subway station at 104th Street and Central Park, and it was understood that the following letter be signed by the Chairman and sent in reply thereto:

April 28th, 1908.

CHARLES HVASS, Esq., *Chairman, Executive Committee, West Side Taxpayers' Association*, 207 West 34th Street, New York City:

DEAR SIR—Your communication of April 10th in which you set forth the request of the West Side Taxpayers' Association, adopted by unanimous vote, that a new subway station be constructed at 104th Street and Central Park West, on account of the long distance between the 96th Street and the 110th Street station, has been duly considered. I have had the matter thoroughly investigated and have ascertained that during the construction of the subway, the proposal to place a station at this point was thoroughly discussed in 1902 and 1903. The minutes of the Rapid Transit Commission show that on March 19th, 1903, the following resolution moved by the Mayor was passed:

"Resolved, That in view of the opinion of the Chief Engineer and of the contractor that the station at 104th Street can not be constructed without causing serious delay in the completion of the subway, the station be definitely abandoned."

But the report of the engineer upon which this resolution was made not only stated that the construction of the station at that time would cause delay, but it also stated that it would be exceedingly dangerous on account of the native rock being very treacherous in that location, and there was grave danger of interfering with five 48" water mains running through Central Park West. If it were found dangerous at that time to construct the station, it would be doubly so at the present time,

for the dangers that then existed are still to be contended with, and we also have the additional danger of interfering with moving trains constantly, which would be likely to interrupt traffic so that trains would have to be stopped at this point part of the time.

Our engineer reports that a station at this point would be sixty feet below the surface, and that in constructing the station it would be necessary to enlarge the present arch of the tunnel as well as to construct the station approaches for elevators, which would require the taking out of 9,000 cubic yards of rock, and that it would cost not less than \$300,000.00 to build under the present conditions. He also reports that there is a grade there of 1.4 per cent. and also a curve on a radius of 580 feet, both of which would make this a very undesirable place for a station location on account of the operation of trains.

As to the other point, of the distance between 96th Street station and 110th Street station, which you say is 6,500 feet, we find that this is divided really into three sections; first, from 96th Street to 104th Street right along the line of the Broadway trains a distance of about 2,000 feet; 2,200 feet is the length of the tunnel from Central Park West to 110th Street, nearly all of which is underneath the Park, and the line under 104th Street is about 2,300 feet.

All of this section would not be able to use the new station at 104th Street if it were built, for the people living west of Amsterdam Avenue could just as readily go to 103rd Street station of the Broadway line, so that the remaining section that would be able to use to the best advantage the station proposed would be those people living between Central Park West and Amsterdam Avenue, a small section, and they have an elevated station at 104th Street.

It would seem too great a risk as well as too large an expense on behalf of the City to recommend the improvement you have requested for the purpose of accommodating a very small section of the city, which would at the same time delay and prejudice the large numbers that come on the Lenox Avenue line by causing an extra stop and thus delaying the time of the express service.

For these reasons I am constrained to advise your Association that this Commission is adverse to taking the action you have requested.

Very truly yours,

(Signed) WM. R. WILLCOX, Chairman.

(16)

C-1886

The Secretary presented a resolution from the Board of Aldermen dated April 21st recommending the location of a station on the Lenox Avenue division of the Subway between 96th Street and Broadway and 110th Street and Lenox Avenue. The Secretary was thereupon directed to notify the Board of Aldermen that a similar application had already been received from the West Side Taxpayers' Association, and to send a copy of the reply which had been made to that Association.

April 28, 1908.]

952

(17)

2919

The Secretary presented a communication dated April 22nd from Chas. E. Reid, Secretary of the North Side Board of Trade, Borough of The Bronx, requesting the Public Service Commission to modify the proposed Lexington Avenue subway route in order to establish a station at 138th street and Third avenue. The communication was referred to the Committee of the Whole.

(18)

2879

On motion, duly seconded, it was

Resolved, That the following appointments be made:

Name	Position	Salary Per Month	To Take Effect
R. A. Pike.....	Structural Draughtsman (provisional) ..	\$125.	April 27th, 1908.
Erling Holtsmark.....	Structural Draughtsman (provisional) ..	125.	April 27th, 1908.
L. R. Shellenberger.....	Structural Draughtsman (provisional) ..	125.	April 27th, 1908.
A. G. Underwood.....	Structural Draughtsman (provisional) ..	112.50	April 27th, 1908.
Richard C. Fransden.....	Structural Draughtsman (temporary)...	125.	April 28th, 1908.
Maurice E. Griest.....	Structural Draughtsman (temporary)...	125.	May 1st, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(19)

2879

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service lists:

Name	Position	Salary Per Month	To Take Effect
Chas. Stikeman, Jr.....	Junior Bridge Draughtsman.....	\$90.	April 27th, 1908.
Louis H. Evans.....	Junior Bridge Draughtsman.....	75.	April 27th, 1908.
A. B. Hagar.....	Structural Steel Draughtsman (tem- porary)	125.	May 1st, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(20)

2879

The Secretary stated that the Engineering Department which had on the 13th of April, 1908, requested a leave of absence for thirty days without pay beginning May 1st, 1908, for Benjamin Maurice, Inspector of Steel, and had withdrawn the request

on April 16th, now desired to have this leave of absence granted, and it was therefore, on motion, duly seconded

Resolved, That Benjamin Maurice, Inspector of Steel, be granted thirty days' leave of absence without pay, beginning, May 1st, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

3125

On motion, duly seconded, it was

Resolved, That the resignation of Anna B. Byrne, filing clerk, be accepted to take effect May 4th, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

1265

The Secretary presented for the approval of the Commission a bill as embodied in the following resolution:

Resolved, That the bill of John B. McDonald, dated April 20th, 1908, amounting to \$1889. for expenses incurred in making changes in steel work for the 231st Street and 238th Street stations of the Van Cortlandt Park Extension, as per letter from the Chief Engineer of the Public Service Commission to the Chief Engineer of the Contractor, dated April 15th, 1908, be approved by this Commission and forwarded to the Comptroller of the City of New York for payment.

It was moved and duly seconded that the above resolution be adopted.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
**THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,**

WEDNESDAY, APRIL 29, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

2919

Leroy T. Harkness, Assistant Counsel, was also present and presented resolutions relative to the modification of the Broadway-Lexington Avenue route so as to avoid Grace church. It was moved and seconded that the following resolutions be adopted:

Whereas, The Board of Rapid Transit Railroad Commissioners for The City of New York did, on the 12th day of May, 1905, adopt certain routes and general plan for a rapid transit railway in The City of New York, which route is known as the Lexington Avenue Route, which routes and general plan were thereafter duly approved by the Board of Estimate and Apportionment of The City of New York and the Mayor of The City of New York as the local authorities having in charge the streets and highways of said City, and were thereafter duly consented to by the Appellate Division of the Supreme Court in and for the First Judicial Department, and

Whereas, Thereafter, and on the 4th day of February, 1908, the Public Service Commission for the First District duly adopted certain modifications of such routes and general plan, which modifications were thereafter duly submitted to the Board of Estimate and Apportionment and the Mayor of The City of New York and were approved by them, but have not yet been consented to by the owners of a majority in value of the property abutting upon the line of such modifications, or in lieu thereof by the Appellate Division of the Supreme Court, and

Whereas, In and by the portion of such modified routes and general plan, denominated Section 5-E, the line as laid out passed underneath the edifice known as Grace Church, at or near the corner of Broadway and East Tenth Street, and

Whereas, A Select Committee of the Board of Estimate and Apportionment has recommended that such line be changed in order to avoid so passing under the said Grace Church, and

(31)

Form 2037

[1 M(B)]

Whereas, The Public Service Commission for the First District has duly made inquiries and investigation necessary or proper in the premises and has determined that the routes and general plan and the modification of such routes and general plan should be further modified in the respect hereinafter mentioned, and that such modification is necessary for the interest of the public and of The City of New York and should be established as is hereinafter provided, now therefore be it

Resolved, That subject to the approvals and consents to be first obtained, as in this resolution hereinafter mentioned the said routes and general plan heretofore adopted by the said Board of Rapid Transit Railroad Commissioners for The City of New York and the said modification of such routes and general plan heretofore adopted by the Public Service Commission for the First District be and they hereby are amended in the following respect:

By striking out from the paragraph of the said modification of the said routes and general plan, headed "Section 5-E," the words at the end of said paragraph thereof as follows, to-wit:

"to a point in private property between Fourth Avenue and Broadway at about East Eleventh Street, curving thence southerly under private property into Broadway at a point near East Ninth Street, at which a junction can be conveniently made with Section 5-D above described."

and by inserting in the place and stead of the words thus stricken out the following words, to-wit:

under private property and under East Tenth Street to a point under East Tenth Street between Fourth Avenue and Broadway, curving thence southerly and continuing under East Tenth Street and under private property and East Ninth Street and private property into Broadway at a point between East Eighth Street and East Ninth Street at which a junction can be conveniently made with Section 5-D above described.

so that the whole of said paragraph shall read as follows:

Section 5-E. A route the centre line of which shall begin in the Borough of Manhattan at a point in Lexington Avenue north of East Thirty-sixth Street, where Section 5-D above described curves westerly into East Thirty-sixth and Thirty-fifth Streets; thence running southerly along Lexington Avenue to the intersection of Lexington Avenue and Gramercy Park; thence southerly through and under Gramercy Park to its intersection with Irving Place; thence still southerly along and under Irving Place and crossing under East Fourteenth Street, private property and East Thirteenth Street to a point in private property between East Thirteenth Street and East Twelfth Street, curving thence southwesterly under private property, East Twelfth Street, Fourth Avenue and the present rapid transit railway structure in Fourth Avenue, under private property and under East Tenth Street to a point under East Tenth Street between Fourth Avenue and Broadway, curving thence southerly and continuing

under East Tenth Street and under private property and East Ninth Street and private property into Broadway at a point between East Eighth Street and East Ninth Street at which a junction can be conveniently made with Section 5-D above described.

Resolved, That whereas this Commission has duly made the inquiries and investigation necessary or proper in the premises, and has determined that the modification and amendment aforesaid of the said routes and general plan and of the modification of the said routes and general plan are necessary for the interest of the public and of The City of New York, and should be established as herein provided, this Commission does hereby determine and establish the said modification and amendment, subject to the approvals and consent to be first obtained, as hereinafter mentioned; and it is further

Resolved, That the said modification and amendment of the routes and general plan and of the modification of said routes and general plan, shall take effect only upon and after the following approvals thereof and consents thereto shall be duly had, to-wit:

I. The approval and consent of the Board of Estimate and Apportionment of The City of New York.

II. The approval of the Mayor of The City of New York.

III. The consents of the owners of a majority in value of the property along streets or such portions of streets as are included in the portion of the said routes hereby modified and amended, or if such consents cannot be obtained then in lieu thereof the determination of three Commissioners to be appointed by the Appellate Division of the Supreme Court in and for the First Judicial Department, duly confirmed by the said Appellate Division; and it is further

Resolved, That the map entitled "Public Service Commission for the First District, Routes and General Plan, Manhattan A, Sheet No. 3-A" is hereby adopted as showing the modification, as hereby adopted, of the foregoing routes and general plan and of the modification of the said routes and general plan for convenience merely, and that said map is not to be deemed a part of the description of the routes or a part of the general plan for any purpose whatever.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

On motion, duly seconded, the Chairman and Secretary of the Commission were authorized to transmit the following communication to the Board of Estimate and Apportionment of the City of New York:

To the Board of Estimate and Apportionment of The City of New York:

The Public Service Commission for the First District, referring to its communication to you bearing date the 5th day of February, 1908, transmitting resolutions

modifying the routes and general plans of the Lexington Avenue and Gerard Avenue Routes, and adopting routes and general plans for a proposed rapid transit railway in Canal Street, and referring also to the report of your select committee and to the resolutions adopted by you approving the routes and general plans submitted, now transmits to you resolutions modifying the routes and general plans and modifying the modification of such routes and general plans of the Lexington Avenue Route heretofore approved by you in order to avoid passing under the edifice at or near the corner of Broadway and East Tenth Street, known as Grace Church. This action is taken in accordance with the recommendation of your select committee, and has necessitated the relocation of the line at that point some distance to the east of the one originally proposed.

The Commission joins with you in the appreciation of the position held by Grace Church in the life of the community and would not willingly take any action that would cause injury to it. It is believed, however, that the proposed subway could be constructed under Grace Church without damage to it, and in view of that fact the Commission felt it to be its duty to lay out the straightest possible line and limit the expense by taking the minimum amount of private property. The relocation of the line to the east will have the result of forcing the subway under other private property and require the purchase or condemnation of more property than the original line, increasing the square feet of superficial area of property to be acquired between East Ninth Street and East Twelfth Street from about nineteen thousand five hundred feet to about twenty-four thousand feet. The Commission finds that the line as now modified has to come much nearer to the surface in order to pass over the crosstown subway at East Ninth Street and will protrude into the basement and sub-basement of the building now covering the block between East Ninth Street and East Tenth Street and will cause additional expense. While still of the opinion that the route first adopted is preferable because less expensive, the Commission believes that the revised route as a route is otherwise satisfactory and transmits for your information a blue print designated Route No. 5, Sheet 3, showing the additional property it will be necessary to purchase because of this modification. The Commission in deference to your wishes, has changed the route heretofore adopted by it, and now submits to you for your approval resolutions modifying the line so as to avoid Grace Church.

In witness whereof, the Commission has caused this communication to be signed by its Chairman and its seal to be hereto affixed and attested by its Secretary this day of _____, 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

By _____

_____, Chairman.

Attest :

Secretary.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, MAY 1, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for April 14th as printed in the CITY RECORD for April 18th, for April 23d and 24th as printed in the CITY RECORD for April 29th, and for April 28th as printed in the CITY RECORD for May 1, was approved.

(2)

3061

The Secretary presented a communication, dated April 25th, 1908, from J. Q. Adams, Assistant Secretary of the Art Commission of the City of New York, transmitting certified copies of the following resolutions adopted by the Art Commission on April 25th:

Certificate No. 701.

Resolved, That the Art Commission hereby *approves* the designs and location of a ventilating house for the Brooklyn Subway at the intersection of Rockwell Place, Lafayette and Flatbush Avenues, represented by Exhibits "315-D" and "315-E," of record in this matter; and that the action of the Commission be certified, with return of duplicates of Exhibits herein noted, to Hon. William R. Willcox, Chairman of the Public Service Commission.

Certificate No. 702.

Resolved, That the Art Commission hereby *approves* the designs and location of a ventilating house for the Brooklyn Subway at the intersection of Fulton Street and De Kalb Avenue, represented by Exhibits "314-D" and "314-E," of record in this matter; and that the action of the Commission be certified, with return of duplicates of Exhibits herein noted, to Hon. William R. Willcox, Chairman of the Public Service Commission.

The communication was referred to the Chief Engineer.

May 1, 1908.]

960

(3)

2063

The Secretary presented the following notices of deposit from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which were ordered filed:

April 27th, 1908.

DEAR SIR—I beg to advise you that on April 24th, 1908, the sum of Ninety-three Thousand, Eight Hundred and Seventy-five and 54/100 Dollars (\$93,875.54) was deposited to the credit of Rapid Transit Construction Fund, Brooklyn Loop Line, Borough of Manhattan (Sub-title No. 1). Authorized April 19th, 1907, pursuant to the provisions of Section 37, Chapter 4, Laws of 1891 as amended.

Principal	\$90,000.00
Premium	3,875.54

April 27th, 1908.

DEAR SIR—I beg to advise you that on April 24th, 1908, the sum of Twenty-six Thousand and Seventy-six and 54/100 Dollars (\$26,076.54) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines—Borough of Manhattan (Sub-title No. 4). Authorized June 21, 1907, pursuant to the provisions of Section 37, Chapter 4, Laws of 1891 as amended.

Principal	\$25,000.00
Premium	1,076.54

April 27th, 1908.

DEAR SIR—I beg to advise you that on April 24th, 1908, the sum of Twenty-six Thousand and Seventy-six and 54/100 Dollars (\$26,076.54) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines—Borough of Manhattan, (Sub-title No. 5). Authorized June 21, 1907, pursuant to the provisions of Section 37, Chapter 4, Laws of 1891, as amended.

Principal	\$25,000.00
Premium	1,076.54

April 27th, 1908.

DEAR SIR—I beg to advise you that on April 24th, 1908, the sum of Twenty-six Thousand and Seventy-six and 54/100 Dollars (\$26,076.54) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines—Borough of Manhattan—(Sub-title No. 3). Authorized June 21, 1907, pursuant to the provisions of Section 37, Chapter 4, Laws of 1891 as amended.

Principal	\$25,000.00
Premium	1,076.54

(4)

C-21

The Secretary presented a communication from the Counsel to the Commission transmitting a proposed form of reply to the request of the Acting Corporation Counsel of the City of New York, made under date of April 21st, for information as to what steps were taken by the Board of Rapid Transit Railroad Commissioners and the New York Central and Hudson River Railroad Company to come to an agreement under the Saxe Act, and copy of a letter from Albert H. Harris, General Counsel to the New York Central and Hudson River Railroad Company to the Chairman of the Public Service Commission dated July 24th, 1907 also to be sent to the Corporation Counsel. It was ordered that the above-mentioned form of reply, which was as follows, be sent to the Corporation Counsel.

April , 1908.

GEORGE L. STERLING, Esq., *Acting Corporation Counsel*, Hall of Records, New York City:

DEAR SIR—In reply to your letter of the 21st inst. addressed to the Chairman of this Commission, asking for information as to what steps were taken by the Board of Rapid Transit Railroad Commissioners and The New York Central & Hudson River Railroad Company toward effecting an agreement for the removal of the west side tracks of the railroad company pursuant to the provisions of Chapter 109 of the Laws of 1906, the Commission herewith states as follows:—

The Saxe Act went into effect March 26, 1906. Thereafter conferences as to procedure under the Act were had between Mr. George L. Rives, Counsel for the Board of Rapid Transit Railroad Commissioners, and Mr. Ira A. Place, General Counsel for The New York Central & Hudson River Railroad Company. A consultation was also had between Mr. George S. Rice, Chief Engineer for the Board of Rapid Transit Railroad Commissioners, and Mr. William J. Wilgus, Vice-President of The New York Central & Hudson River Railroad Company. On November 14th Mr. Rice submitted to the Board of Rapid Transit Railroad Commissioners alternative plans designed to carry into effect the provisions of the Saxe Act. Thereafter, on January 7, 1907, the railroad company submitted to the Board of Rapid Transit Railroad Commissioners its comments on the plans of the Chief Engineer. Thereupon the Board of Rapid Transit Railroad Commissioners appointed a committee to consider the subject with the representatives of the railroad company. This committee and the railroad company came to a substantial agreement upon the general features of plans to be adopted, but the committee in its report dated February 25, 1907, stated that in order to carry out the plan thus far agreed upon additional legislation would be necessary. On February 19, 1907, the Mayor requested of the railroad company assurance that if legislation should be passed enabling the plan to be carried into effect, the company would be prepared to proceed according to the plan. This assurance was given by the company in a letter dated February 20, 1907.

May 1, 1908.]

962

A bill designed to authorize the plan was introduced in the Legislature but failed to pass, with the result that the procedure prescribed by the Saxe Act was left in force.

The Saxe Act prescribed by Section 4 that in case the Board of Rapid Transit Railroad Commissioners should be unable within twelve months to come to an agreement, then condemnation proceedings should be instituted. The above state of facts would seem to constitute an inability to agree within the meaning of the Saxe Act.

We herewith enclose for your information a recital of the proceedings taken under the Saxe Act, as stated by Albert H. Harris, Esq., General Counsel for the railroad company, in a communication to the Chairman of the Public Service Commission dated July 24th. There is also quite a full statement of the proceedings in a pamphlet entitled "The New York Central & Hudson River Railroad Company, West side tracks, City of New York", a copy of which was furnished recently to Assistant Corporation Counsel Squier by Mr. Walker, Assistant Counsel to this Commission.

We trust that the above is the information desired.

Respectfully yours,

(5)

O-446

Commissioner Bassett presented the following order:

COMPLAINT ORDER (No. 446).

Aaron Rabinowitz,
Complainant,
against

Brooklyn Heights Railroad Company, New
York City Railway Company, or its
Receivers,

Defendants.

Order No. 446, for satisfaction or answer within ten (10) days as to sufficient service over the Williamsburg Bridge between the hours of 11 P. M. and 3 A. M. was approved, confirmed and ordered filed in the office of the Commission.

(6)

O-447

The Secretary presented the following order:

COMPLAINT ORDER (No. 447).

M. Burr Wright,
Complainant,
against

Forty-second Street, Manhattanville and
St. Nicholas Avenue Railroad Company,
or its Receiver, Frederick W. Whit-
ridge,

Defendant.

Order No. 447 of the Commission for satisfaction or answer within ten (10) days, as to the unsanitary condition of cars on the Forty-second Street crosstown line, was approved, confirmed, and ordered filed in the office of the Commission.

(7)

O-447

The Secretary presented the following hearing order, and it was moved and duly seconded that the same be adopted by the Commission:

HEARING ORDER (No. 447).

In the matter

of

The public hearing to receive suggestions
as to the location and style of stations
on the Broadway-Lexington Avenue
Rapid Transit Route.

Resolved, That a public hearing be given in the hearing room of the Commission at 154 Nassau Street at 4:00 P. M., Wednesday, May 13th, 1908, in order to receive suggestions as to location and style of stations on the Broadway-Lexington Avenue Rapid Transit Route, and that individuals or associations be invited to be present and to file briefs or memoranda in the above matter.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

O-427

The Secretary presented a communication, dated April 28, 1908, from J. F. Calderwood, Vice-President and General Manager of the Nassau Electric Railroad Company, answering Final Order No. 427, in the matter of the extension of the Fifth Avenue surface line service, and stating that the terms of the order were accepted and would be obeyed. The communication was referred to Commissioner Bassett.

(9)

2139

The Secretary presented a communication from J. A. Estrup, Secretary of the 28th Ward Taxpayers Protective Association of Brooklyn, urging the Commission to take immediate action for the preparation of plans and specifications for the Broadway-Lafayette Subway.

The communication was referred to the Committee on the Broadway-Lafayette subway.

(10)

2879

The Secretary presented a communication from the Chief Engineer stating that on account of the discontinuance of the field office of the Fifth Division located at Battery Park, the janitor and telephone service should be discontinued at that office, and it was moved and duly seconded that the recommendation of the Chief Engineer for such discontinuance should be adopted.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(11)

2879-M

The Secretary presented a communication from the Chief Engineer recommending that the leaves of absence formerly granted to E. P. Adams, P. J. Lovely and S. E. Nichols, Inspectors of Masonry, be extended, without pay, to include the months of May and June, and on motion, duly seconded, it was

Resolved, That the leaves of absence granted E. P. Adams, P. J. Lovely and S. E. Nichols, Inspectors of Masonry, be extended without pay, to include the months of May and June.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(12)

2879-M

The Secretary presented a communication from the Chief Engineer recommending that the leave of absence of Charles D. Searle, Assistant Engineer be extended, without pay, until October 1st, and on motion duly seconded, it was

Resolved, That the leave of absence formerly granted to Charles D. Searle, Assistant Engineer, be extended, without pay, until October 1st, 1908.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(13)

3343

The Secretary presented a communication from Erwin H. Hussey, declining appointment as Rodman, which was ordered filed.

(14)

3370

On motion, duly seconded, it was

Resolved, That Ethel W. Youngblood be appointed from the Civil Service list to the position of filing clerk, at a salary of \$75 per month, to take effect May 1, 1908.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(15)

3332

The Secretary presented a communication, dated April 29, 1908, from Messrs. Davies, Stone, & Auerbach, attorneys for the New York Dock Company requesting the co-operation of the Commission in the matter of properly protecting the subway tunnels under the East River near the foot of Joralemon Street, Brooklyn. The communication was referred to the Chief Engineer.

(16)

O-449

Commissioner Bassett moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 449).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Fixing a Date for the Completion by the Long Island Electric Railway Company of the Construction of the Overhead Crossing of the Tracks of the Long Island Railroad Company at the Jamaica and Hempstead Turn-pike, Borough of Queens.

Whereas, The Long Island Electric Railway Company on or about the 24th day of February, 1905, filed with the Board of Railroad Commissioners of the State of New York under Section 68 of the Railroad Law an application for a determination as to whether the applicant's railway should cross over or under or at grade of the tracks of the Long Island Railroad Company at the point where the Jamaica and Hempstead turn-pike in the Borough of Queens crosses the tracks of the said Long Island Railroad Company, and

Whereas, After a public hearing an agreement was entered into between the said Long Island Railroad Company and the said Long Island Electric Railway Company providing for a crossing at grade and further providing that on or before June 1st, 1907, the Long Island Electric Railway Company should construct an overhead crossing of the steam railroad tracks, and

Whereas, The Board of Railroad Commissioners, on or about June 19, 1905, duly approved of the temporary grade crossing provided for in said agreement and specified certain details as to the manner of crossing, and

Whereas, The Long Island Railroad Company on or about March 18, 1907 filed a petition with the Board of Railroad Commissioners asking permission to continue the grade crossing for the further period of one year, and

Whereas, A hearing was held on this petition on or about March 22, 1907, after which the Board of Railroad Commissioners determined that the said grade crossing should continue for a further period of one year from June 1st, 1907, to June 1st, 1908, and

Whereas, The Long Island Electric Railway Company now petitions the Public Service Commission, as successors to the Board of Railroad Commissioners, for further permission to continue the temporary grade crossing for the period of one year from June 1st, 1908, to June 1st, 1909, now therefore it is

Ordered, That a hearing be had on the 15th day of May, 1908, at 2:30 o'clock in the afternoon or at any time or times to which the same may be adjourned, at the rooms of the Commission at No. 154 Nassau Street, Borough of Man-

hattan, City and State of New York, to inquire whether permission should be granted to the Long Island Electric Railway Company to continue to cross the tracks of the Long Island Railroad Company on the Jamaica and Hempstead turn-pike near Queens in the Borough of Queens, City of New York, at grade in the manner now in use and to determine the period for which such permission should continue.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That to the said Long Island Railroad Company and the said Long Island Electric Railway Company at least ten days' notice of such hearing be given by service upon each of them personally or by mail of a certified copy of this order and that at such hearing said Companies be afforded all reasonable opportunity for examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Bassett to conduct the hearing.

(17)

O-450

Commissioner Eustis moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 450).

Francis P. Kenney, as President of the
Highbridge Taxpayers Alliance,
Complainant,

vs.

Union Railway Company and Frederick W.
Whitridge, as Receiver of the Union
Railway Company,

Defendants.

Extension of Boscobel Avenue Line to
the end of Washington Bridge.

Under Order for Hearing No. 407, dated
April 10, 1908.

This matter coming on upon the report of the hearing had herein on April 22, 1908, and it appearing that said hearing was held pursuant to Order No. 407 of this Commission, made upon the complaint and answer herein, dated the 10th day of April, 1908, and returnable on the 22nd day of April, 1908, and that said order was duly served upon said Union Railway Company and upon said Frederick W. Whitridge, as receiver of said Company, and it appearing that said hearing was had by and before the Commission on the matters embraced in the complaint and answer herein and in said order specified, on the aforesaid date, before Mr. Commissioner Eustis presiding, Harry M. Chamberlain, Esq., Assistant Counsel, appearing for the Commission and E. V. R. Ketchum, Esq., appearing for the complainant and M. S. Borland, Esq., of Messrs. Bowers and Sands, attorneys, appearing for said Union

Railway Company and for Frederick W. Whitridge, as receiver of said Company, and proof having been taken upon said hearing and it having been stipulated and agreed upon said hearing by and between the parties thereto that an order of this Commission should issue, directing and requiring the said Union Railway Company and said Frederick W. Whitridge, as receiver of said Company, to extend the Boscobel Avenue Line operated by said Company and by said Frederick W. Whitridge, as its receiver, within The City of New York, from the present westerly terminus of said line to the easterly line of Aqueduct Avenue, and it having been agreed by and between the said parties that such order will be satisfactory to the complainant herein and will be satisfactory to and will be complied with by said Union Railway Company and by said Frederick W. Whitridge, as its receiver, and it having been made to appear after the proceedings on said hearing that 30 days would be a reasonable time within which such order should be directed to be executed.

Now, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, That said Union Railway Company and said Frederick W. Whitridge, as receiver of said Company, be and they hereby are directed and required to extend the tracks of said Boscobel Avenue Line from the present westerly terminus of said line to the eastern boundary of Aqueduct Avenue and to construct such extension within 30 days from the date of the service of this order upon them. This order shall continue in force until such time as the Public Service Commission for the First District shall otherwise order.

It is further Ordered: That said Union Railway Company and said Frederick W. Whitridge, as its Receiver, notify the Public Service Commission for the First District within five (5) days after service of this order upon them whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(18)

O-451

Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 451).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Addition to the Service of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of said Company.

8th Street Crosstown Line to East 10th Street Ferry.

It is hereby Ordered, That a hearing be had on the 14th day of May, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned,

at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices and service of the New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, as Receivers of the said New York City Railway Company, in respect to transportation of persons in the First District on the 8th Street Crosstown Line to East 10th Street Ferry, are unreasonable, improper or inadequate, and whether the said New York City Railway Company, or the said Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, run cars enough or with sufficient frequency or upon a reasonable time schedule reasonably to accommodate passenger traffic transported by them or offered for transportation to them, and to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be just, reasonable, proper and adequate to direct that the service of the said New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, its Receivers, be increased, supplemented and changed in the following manner, that is to say:

(1) By operating daily including Sunday over every point on the 8th Street Crosstown Line to East 10th Street Ferry, either

(a) A sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. (10%) in excess of the number of passengers at that point; the number of cars passing any point to be, however, never less than six (6) per hour in each direction; or

(b) A minimum number of fifteen (15) cars in one direction in each fifteen (15) minute period in which the provisions of subdivision (a) above are not complied with.

(2) By making such other and further changes in the schedule and manner of operating cars on the 8th Street Crosstown Line to East 10th Street Ferry as may be just and reasonable.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said New York City Railway Company, and Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, be given at least five days' notice of such hearing by service upon them, either personally or by mail, of a certified copy of this order, and that at such hearing said Company and its Receivers be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Maltbie to conduct the hearing.

(19)

O-452

Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 452).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Addition to the Service of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of said Company, in respect to 8th Street Crosstown Line to Brooklyn.

It is hereby Ordered, That a hearing be had on the 14th day of May, 1908, at 3:00 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices and service of the New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, as Receivers of the said New York City Railway Company, in respect to transportation of persons in the First District on the 8th Street Crosstown Line to Brooklyn, are unreasonable, improper or inadequate, and whether the said New York City Railway Company, or the said Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, run cars enough or with sufficient frequency or upon a reasonable time schedule reasonably to accommodate passenger traffic transported by them or offered for transportation to them, and to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be just, reasonable, proper and adequate to direct that the service of the said New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, its Receivers, be increased, supplemented and changed in the following manner, that is to say:

(1) By operating daily including Sunday during all the hours of the day except during the period from 12 o'clock midnight to 5 A. M. over every point on the 8th Street Crosstown Line to Brooklyn, either

(a) A sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. (10%) in excess of the number of passengers at that point; the number of cars passing any point to be, however, never less than six (6) per hour in each direction; or

(b) A minimum number of fifteen (15) cars in one direction in each fifteen (15) minute period in which the provisions of subdivision (a) above are not complied with.

(2) By making such other and further changes in the schedule and manner of operating cars on the 8th Street Crosstown Line to Brooklyn as may be just and reasonable.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said New York City Railway Company, and Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, be given at least five days' notice of such hearing by service upon them, either personally or by mail, of a certified copy of this order, and that at such hearing said Company and its Receivers be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Maltbie to conduct the hearing.

(20)

O-453

Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 453).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Addition to the Service of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of said Company. 14th Street and Williamsburg Bridge Line.

It is hereby Ordered, That a hearing be had on the 14th day of May, 1908, at 3:00 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices and service of the New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, as Receivers of the said New York City Railway Company, in respect to transportation of persons in the First District on the 14th Street and Williamsburg Bridge Line, are unreasonable, improper or inadequate, and whether the said New York City Railway Company, or the said Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, run cars enough or with sufficient frequency or upon a reasonable time schedule reasonably to accommodate passenger traffic transported by them or offered for transportation to them, and to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be just, reasonable, proper and adequate to direct that the service of the said New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, its Receivers, be increased, supplemented and changed in the following manner, that is to say:—

(1) By operating daily including Sunday over every point on the 14th Street and Williamsburg Bridge Line, either

(a) A sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. (10%) in excess of the number of passengers at that point; the number of cars passing any point to be, however, never less than six (6) per hour in each direction; or

(b) A minimum number of thirty (30) cars in one direction in each fifteen (15) minute period in which the provisions of subdivision (a) above are not complied with.

(2) By making such other and further changes in the schedule and manner of operating cars on the 14th Street and Williamsburg Bridge Line as may be just and reasonable.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said New York City Railway Company, and Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, be given at least five days' notice of such hearing by service upon them, either personally or by mail, of a certified copy of this order, and that at such hearing said Company and its Receivers be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Maltbie to conduct the hearing.

(21) Commissioner Maltbie moved the adoption of the following hearing order, which was duly seconded: O-454

HEARING ORDER (No. 454).

In the Matter

of

The Hearing on the Motion of the Commission on the Question of Improvement in and Addition to the Service of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of said Company.
Christopher and East 23rd Street Ferry Line.

It is hereby Ordered, That a hearing be had on the 14th day of May, 1908, at 3:30 o'clock in the afternoon, or at any time or times to which the same may

be adjourned, at the rooms of the Commission, Number 154 Nassau Street, Borough of Manhattan, City of New York, State of New York, to inquire whether the regulations, practices and service of the New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, as Receivers of the said New York City Railway Company, in respect to transportation of persons in the First District on the Christopher and East 23rd Street Ferry Line, are unreasonable, improper or inadequate, and whether the said New York City Railway Company, or the said Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, run cars enough or with sufficient frequency or upon a reasonable time schedule reasonably to accommodate passenger traffic transported by them or offered for transportation to them, and then to determine whether it is reasonably necessary to accommodate and transport the said traffic transported or offered for transportation, and is and will be just, reasonable, proper and adequate to direct that the service of the said New York City Railway Company, or of Adrian H. Joline and Douglas Robinson, its Receivers, be increased, supplemented and changed in the following manner, that is to say:—

(1) By operating daily including Sunday over every point on the Christopher and East 23rd Street Ferry Line, either

(a) A sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. (10%) in excess of the number of passengers at that point; the number of cars passing any point to be, however, never less than six (6) per hour in each direction; or

(b) A minimum number of ten (10) cars in one direction in each fifteen (15) minute period in which the provisions of subdivision (a) above are not complied with.

(2) By making such other and further changes in the schedule and manner of operating cars on the Christopher and East 23rd Street Ferry Line as may be just and reasonable.

And if any such changes, improvements or additions be found to be such as ought to be made as aforesaid, then to determine what period will be a reasonable time within which the same should be directed to be executed.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said New York City Railway Company, and Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company, be given at least five days' notice of such hearing by service upon them, either personally or by mail, of a certified copy of this order, and that at such hearing said Company and its Receivers be afforded all reasonable

opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Maltbie to conduct the hearing.

(22)

O-455

Commissioner Maltbie moved the adoption of the following order, amending final order No. 403, which was duly seconded:

ORDER (No. 455), AMENDING FINAL ORDER No. 403.

In the Matter

of

The hearing on the Motion of the Commission on the Question whether the Order heretofore made by the Commission on February 14, 1908, known as Order No. 260, directing the New York City Railway Company, or Adrian H. Joline and Douglas Robinson, its Receivers, on or after February 15, 1908, to turn out not fewer than ten cars daily, not including Sundays and holidays, overhauled and repaired, as provided in said Order, should be modified in any respect because of the destruction by fire of the Car Barn at Second Avenue and Ninety-sixth Street, together with its contents, belonging to said Company, or its said Receivers.

An order known as Order Number 403 having been duly made by the Commission on the 7th day of April, 1908, and Adrian H. Joline and Douglas Robinson, Receivers of said New York City Railway Company, having thereafter objected to the form of said order upon the ground that by reason of a certain recitation in said order, to wit., "Mr. Oren Root, General Manager of the New York City Railway Company, for its said Receivers attending," the inference might be drawn that said Oren Root appeared on behalf of said Receivers, the fact being that he attended at the request of the Commission, it is

Ordered, That said Order Number 403 be and the same hereby is amended *nunc pro tunc* as of the 7th day of April, 1908, by inserting after the word "attending" in the sixth line of the second page of the said order the words "at the request of the Commission," so that said order as amended shall read as follows, to wit:

At a meeting of the Public Service Commission for the First District, held at its office, Number 154 Nassau Street, in the Borough of Manhattan, City and State of New York, on the 7th day of April, 1908.

Present—Wm. R. Willcox, Chairman, Wm. McCarroll, E. M. Bassett, M. R. Maltbie, J. E. Eustis, Commissioners.

FINAL ORDER (No. 403).

In the Matter
of

The hearing on the Motion of the Commission on the Question whether the Order heretofore made by the Commission on February 14, 1908, known as Order No. 260, directing the New York City Railway Company, or Adrian H. Joline and Douglas Robinson, its Receivers, on or after February 15, 1908, to turn out not fewer than ten cars daily, not including Sundays and holidays, overhauled and repaired, as provided in said Order, should be modified in any respect because of the destruction by fire of the Car Barn at Second Avenue and Ninety-sixth Street, together with its contents, belonging to said Company, or its said Receivers.

An order, known as Order No. 332, having been duly made by the Commission on March 10, 1908, directing that a hearing be had on the question whether the order heretofore made by the Commission on February 14, 1908, known as Order No. 260, directing the New York City Railway Company, or Adrian H. Joline and Douglas Robinson, its Receivers, on or after February 15, 1908, to turn out not fewer than ten cars daily, not including Sundays and holidays, overhauled and repaired, as provided in said order, should be modified in any respect because of the destruction by fire of the car bar at Second Avenue and Ninety-sixth Street, together with its contents, belonging to said Company or its said Receivers, and said order having been duly served on Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company on March 11, 1908, and said hearing having been duly had in pursuance thereof before the Commission on March 24, 1908 and April 3, 1908, Commissioner Maltbie presiding, Mr. Oren Root, General Manager of the New York City Railway Company for its said Receivers, attending, at the request of the Commission, and Mr. Henry H. Whitman, Assistant Counsel to the Commission, attending, it is

Ordered, That said order heretofore made by the Commission on February 14, 1908, known as Order No. 260, as respects the New York City Railway Company and Adrian H. Joline and Douglas Robinson, its Receivers, be modified as hereinafter set forth. And it is further

Ordered, That all the open cars, being about 370 in number, of said New York City Railway Company, or of its said Receivers, prior to the 30th day of May, 1908, receive a thorough inspection, covering car bodies, motor and electric equipment, wiring and trucks, and that said cars be thoroughly overhauled and repaired so that when completed they and every one of them shall be in a first-class operating and substantially new condition, having safe, proper and adequate car bodies, headlights, pilot fenders, wiring, brasses, controllers, automatic circuit breakers, resistances, axle gear wheels, armature pinions and car wheels; and it is further

Ordered, That said New York City Railway Company, or its said Receivers, notify the Commission daily in writing in a form to be prescribed by the Commission, of the number of said open cars so turned out as aforesaid, giving the identification numbers thereof, and when and where the same are to be tested; and it is further

Ordered, That from and after April 13, 1908, the said New York City Railway Company, or its said Receivers, furnish and forward daily to the Commission a transcript of the daily entries in the so-called "run-in" book or books showing, among other things, which of said cars are out of order, and it is further

Ordered, That this order shall be without prejudice to an order for a hearing and action thereon by the Commission in respect of any of the open cars covered by said Order No. 260 or by Order No. 179 referred to therein; and it is further

Ordered, That said New York City Railway Company, or its said Receivers, notify this Commission in writing within five days after the service of this order whether its terms are accepted and will be obeyed.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

O-456

Commissioner Eustis moved the adoption of the following final order, which was duly seconded:

FINAL ORDER (No. 456).

In the Matter
of

The Hearing on the Motion of the Commission as to regulations, practices, equipment and service of the Interborough Rapid Transit Company in the respects hereinafter mentioned.

Signs and additional platform at the City Hall Station of the Third Avenue Elevated Road.

Under Order for Hearing No. 373, dated March 27, 1908.

This matter coming on upon the report of the hearing had herein on the 13th day of April, 1908 and on the 27th day of April, 1908, and it appearing that said hearing was had pursuant to Order No. 373 of this Commission, made on the 27th day of March, 1908, and returnable on the 13th day of April, 1908, and that said hearing was had by and before the Commission on the matters in said order specified on the 13th day of April, 1908, and on the 27th day of April, 1908, before Mr. Commissioner Eustis, presiding, Harry M. Chamberlain, Esq., Assistant Counsel, appearing for the Commission and J. Osgood Nichols, Esq., appearing for the Interborough Rapid Transit Company and proof having been taken upon said hearing and it having been made to appear after the proceedings on said hearing that improvements, changes and additions to and in the City Hall Station of the Third Avenue Elevated

Road in the Borough of Manhattan, City and State of New York, ought reasonably to be made in order to promote the security and convenience of the public and in order to secure adequate facilities for the transportation of passengers, namely,

(1) That an additional platform should be constructed at said City Hall Station west of the tracks at said station and similar to the existing platform east of the tracks at said station.

(2) That two (2) or more signs should be conspicuously displayed at said station informing passengers that none other than Third Avenue trains leave that station and that in order to take Second Avenue trains passengers must change cars at Chatham Square, the next station.

And it having been made to appear after the proceedings on said hearing that an order of this Commission should issue, directing and requiring that the improvements, changes and additions hereinbefore mentioned should be made and that thirty (30) days would be a reasonable time within which the same should be directed to be executed,

Now, therefore, on motion of George S. Coleman, Esq., Counsel to the Commission, it is

Ordered, (1) That said Interborough Rapid Transit Company be and it hereby is directed and required to construct and maintain on the westerly side of the tracks at the City Hall Station of the Third Avenue Elevated line in the Borough of Manhattan, City and State of New York, a platform similar in design to the platform on the easterly side of said tracks at said station, which new platform shall be substantially a counterpart of the platform on the easterly side of said tracks and shall be of the location and dimensions shown in green on Drawing No. 7644 of said Interborough Rapid Transit Company, offered in evidence by said Interborough Rapid Transit on the hearing herein and received in evidence upon said hearing.

(2) That said Interborough Rapid Transit Company be and it hereby is directed and required to prepare and conspicuously display at said City Hall Station of the Third Avenue Elevated Road two (2) or more signs informing passengers that none other than Third Avenue trains leave that station and that in order to take Second Avenue trains they must change cars at Chatham Square, the next station, and using appropriate language for that purpose, said signs to be substantially constructed and placed in such positions at such station as to be most easily visible and to be most likely to convey to passengers the information mentioned.

(3) It is further Ordered, That said platform be constructed and said signs be prepared and displayed within thirty (30) days from and after the service on said company of a certified copy of this order.

This order shall continue in force until such time as the Public Service Commission for the First District shall otherwise order.

(4) It is further Ordered, That said Interborough Rapid Transit Company notify the Public Service Commission for the First District within five (5) days after service

of this order upon it whether the terms of this order are accepted and will be obeyed.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(24)

The Secretary presented the following vouchers, the bills of which had been duly approved by Commissioner Bassett, as Committee on Audit for the month of April, whereupon, on motion duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of the City of New York for payment:

Voucher No.	In Favor of	Services or Material	Amount
1048	Martin B. Brown Co.....	Stationery and printing, Bills Apr. 21 (4), 1908..	\$2,044.40
1049	E. J. Brooks & Co.....	Engineering supplies, Bill March 16, 1908.....	175.00
1050	H. B. Claffin Co.....	Engineering supplies, Bill Dec. 16, 1907.....	11.58
1051	Knickerbocker Blue Print Co.	Blue and Black Prints, Bills March 13 (3), 14 (4), 21, 23, 27, April 1, 6 (2), 11 (2), 1908.....	225.93
1052	Law Reporting Company....	Furnishing transcript of Stenographer's Minutes, etc., Bills Apr. 10, 11, 16, 1908.....	1,012.43
1053	Lawyers' Title Insurance & Trust Company.....	Furnishing list of Record owners, etc., Bill April 8, 1908.....	100.00
1054	The New York Blue Print Paper Company.....	Blue and Litho Prints, Bill March 23, 1908.....	285.33
1055	Rubel Manufacturing Co....	Stationery Supplies, Bill April 9, 1908.....	21.00
1056	Travis H. Whitney, Secretary	Disbursements, Jan., Feb., Mar., April, 1908....	150.61
Total.....			\$4,026.28

The following payrolls were approved by Chairman Willcox:

1034	Gas Meter Testers.....	Week ending April 22, 1908.....	\$72.00
1035	Inspectors of Masonry.....	Week ending April 22, 1908.....	1,492.06
1036	Gas Meter Testers.....	Week ending April 29, 1908.....	72.00
1037	Inspectors of Masonry.....	Week ending April 29, 1908.....	1,565.38
1038	Office Staff.....	Month ending April 30, 1908.....	5,908.63
1039	Law Department.....	Month ending April 30, 1908.....	3,106.66
1040	Bureau of Franchises.....	Month ending April 30, 1908.....	626.67
1041	Bureau of Statistics and Ac- counts	Month ending April 30, 1908.....	1,280.00
1042	Bureau of Gas and Elec- tricity	Month ending April 30, 1908.....	2,013.33
1043	Chief Engineer's Staff.....	Month ending April 30, 1908.....	1,659.99
1044	Transportation Bureau.....	Month ending April 30, 1908.....	7,022.50
1045	Bureau of Subway Construc- tion	Month ending April 30, 1908.....	29,336.64
1047	Transportation Bureau, Sup- plementary Roll.....	Month ending April 30, 1908.....	333.33
Total.....			\$54,489.19

May 1, 1908.]

978

To the State Comptroller:

Voucher No.	In Favor of	Services or Material	Amount
1046	Salaries of Commissioners, Counsel and Secretary.....	Month ending April 30, 1908.....	\$7,583.33

(25)

2094

The Secretary stated that the Commissioners had signed the petition for appointment of Commissioners of Appraisal in the proceedings to acquire certain rights on either side of Delancey Street Extension, between the Bowery and Elizabeth Street, Manhattan, referred to in a communication dated April 27th from George L. Sterling, Acting Corporation Counsel, and presented to the Commission on April 30th, 1908.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, MAY 5, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Commissioners William McCarroll, Acting Chairman, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, duly seconded, Commissioner McCarroll was elected Acting Chairman.

(2)

On motion, duly seconded, the motion passed by the Commission on May 1, 1908, approving the record of the proceedings of the Commission of April 28, as printed in the CITY RECORD for May 1, 1908, was amended, so that the record of the proceedings for April 28th should be corrected by striking out in item No. 6 thereof, order No. 438 as therein set forth, and substituting therefor the whole of order No. 445.

On motion duly seconded, the record of the proceedings of the Commission for April 29 and May 1, as printed in the CITY RECORD for May 5, 1908, was approved.

(3)

2111

The Secretary presented the following letter from the Rapid Transit Subway Construction Company, which was referred to the Chief Engineer for report:

May 4th, 1908.

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District, New York:

DEAR SIR—The contract between this company and the City of New York (acting by its Board of Rapid Transit Railroad Commissioners), dated July 21, 1902, for the construction of the "Brooklyn-Manhattan Rapid Transit Railroad," provided for a deposit of \$1,000,000, as

"security for the faithful performance by the contractor of all the covenants, conditions and requirements specified and provided for in the agreement for construction."

(32)

Form 2032

[1 M(B)]

May 5, 1908.]

980

The contract further provided that
"when the contractor shall have fully completed the construction and equipment of the railroad according to the terms of this contract, and the operation of the same shall have begun pursuant to this contract, the Board shall so certify, and upon such certificate the Comptroller shall pay to said contractor the said deposit, or so much thereof as shall not have been reserved or used or applied for any of the purposes above mentioned," etc.

As pursuant to resolution of your Board adopted April 28, 1908, it was resolved and declared

"that the entire railroad constructed as aforesaid under the said contract of July 21, 1902, is ready for operation from May 1, 1908, at 12:50 o'clock A. M.,"

—the operation of this railroad has been begun pursuant to said contract, and this company has fully completed the construction and equipment of the said railroad according to the terms of the said contract, we beg now to apply for the certificate of your Board above referred to entitling us to the return by the Comptroller of the amount of the said deposit.

Very respectfully yours,

AUGUST BELMONT, President.

(4)

O-156

The Secretary presented a communication, dated May 2, 1908, from Bird S. Coler, President of the Borough of Brooklyn, transmitting a report of his Engineer, upon an application of the Brooklyn Union Elevated Railroad Company for permission to construct certain extra stairways and approaches at the Gates Avenue and Halsey Street stations of the Broadway elevated line, required by Final Order No. 156 of this Commission, and asking whether or not the Commission approved of the suggestions contained in said report. The communication was referred to Commissioner Bassett.

(5)

C-1920

The Secretary presented a resolution adopted by the Board of Aldermen April 28, 1908, requesting the Commission to notify the railroad companies operating on Water Street, from Fulton Street to Washington Street, and on Front Street, from Fulton Street to Adams Street, Borough of Brooklyn, to make necessary repairs in order to correct certain conditions which make it dangerous for vehicles to travel thereon. The resolution was referred to Commissioner Bassett.

(6)

C-1919

The Secretary presented a resolution adopted by the Board of Aldermen, April 28, 1908, asking the Commission to direct that the running boards on the sides of the new open cars just placed in operation on the Second and Third Avenue lines, Manhattan, be lowered, the same being too high from the pavement, and thereby causing inconvenience and danger to people on boarding such cars or alighting therefrom. The resolution was referred to Commissioner Maltbie.

(7)

O-457

Commissioner Bassett presented the following order:

EXTENSION ORDER (No. 457).

In the Matter
of

The hearing on motion of the Commission
on the question of an improvement and
addition to Terminal Facilities of the
Brooklyn Union Elevated Railroad Com-
pany at Cypress Hills Station.

Order No. 457, extending the time within which the Brooklyn Union Elevated Railroad Company shall notify the Public Service Commission for the First District when the enlargement and improvement of the Terminal at Cypress Hills Station will be complete, to and including the first day of July 1908, was approved, confirmed and ordered filed in the office of the Commission.

(8)

O-458

The Secretary presented a communication from J. F. Calderwood, Vice-President and General Manager of the Brooklyn Heights Railroad Company, dated May 1, 1908, asking for a stay and a rehearing in the matter of final order No. 434 as to service on the Flatbush Avenue line. Commissioner Bassett thereupon moved the adoption of the following rehearing order, which was duly seconded:

ORDER FOR RE-HEARING (No. 458).

In the Matter
of

The hearing on motion of the Commission
on the question of Improvements in and
Additions to the Service and Equipment
of the Brooklyn Heights Railroad Com-
pany.

Re-hearing after Final Order No. 434
issued on the 24th day of April, 1908.
Service on Flatbush Avenue Line.

An order having been made and filed herein on or about the 24th day of April, 1908, No. 434, under and pursuant to an order for hearing made March 19, 1908, No. 347, and thereafter having been duly served upon the Brooklyn Heights Railroad Company, the same to take effect on May 8th, 1908, and in and by said order the said Brooklyn Heights Railroad Company having been required to notify this Commission before May 4th, 1908, whether the terms of said Order, No. 434, are accepted and will be obeyed, and the said Brooklyn Heights Railroad Company having, on May 1st, 1908, applied to this Commission for a re-hearing in respect to some of the matters contained in said Order No. 434, and sufficient reason for said re-hearing being made to appear,

Ordered, That the said request for a re-hearing be granted and that such re-hearing upon the matters contained in said Order No. 434, entered and filed on April 24, 1908, be held on the 11th day of May, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, No. 154 Nassau Street, Borough of Manhattan, City and State of New York, to determine after such re-hearing and after consideration of the facts, including those arising since the making of Order No. 434, whether the original Order No. 434 or any part thereof is in any respect unjust, or unwarranted, and whether the said Order No. 434 should, in any respects, be abrogated, changed or modified, and if any such abrogation, changes or modifications are found to be such as ought to be made, then to determine the nature and extent of such changes or modifications of the said order and to determine the time of taking effect of the order as changed and modified.

All to the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said Brooklyn Heights Railroad Company be given at least five days' notice of such re-hearing by service upon it, either personally or by mail, of a certified copy of this order, and that at such hearing the said company shall be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Bassett to conduct the rehearing.

(9)

O-459

Commissioner Eustis moved the adoption of the following hearing order, which was duly seconded:

HEARING ORDER (No. 459).

Republican District Committee, by David
G. McConnell, Chairman,

Complainant,

against

Interborough Rapid Transit Company,
Defendant.

Escalators at 155th Street Elevated station.

Upon the complaint herein, upon which Order No. 386 was issued on or about the 31st day of March, 1908, and the answer of the Interborough Rapid Transit Company thereto, dated April 21, 1908, it is

Ordered, That upon the matters contained therein a hearing be had on the 18th day of May, 1908, at 2:30 o'clock in the afternoon, or at any time or times to which the same may be adjourned, at the rooms of the Commission, at Number 154 Nassau Street, Borough of Manhattan, City and State of New York.

To the end that the Commission may make such order or orders in the premises as shall be just and reasonable.

Further Ordered, That the said complainant and the said Interborough Rapid Transit Company be given at least ten days' notice of such hearing by service upon the Republican District Committee through David G. McConnell, Chairman, and upon the Interborough Rapid Transit Company, either personally or by mail, of a certified copy of this order, and that at such hearing said complainant and said Company be afforded all reasonable opportunity for presenting evidence and examining and cross-examining witnesses as to the matters aforesaid.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner Eustis to conduct the hearing.

(10)

O-460

The Secretary presented the following order:

COMPLAINT ORDER (No. 460).

James B. Regan,
Complainant,
against

Interborough Rapid Transit Company,
Defendant.

Order No. 460 of the Commission, for satisfaction or answer within ten (10) days, as to a leak in the patent lights at the foot of the subway station stairs at Forty-Second Street and Broadway, was approved, confirmed, and ordered filed in the office of the Commission.

(11)

O-425

The Secretary presented a communication dated April 28, 1908, from J. F. Calderwood, Vice-President and General Manager of the Nassau Electric Railroad Company acknowledging receipt of final order No. 425 of the Commission in the matter of the extension of the Fifth Avenue surface line service, and stating that the terms of the order were accepted and would be obeyed. The communication was referred to Commissioner Bassett.

(12)

C-1921

The Secretary presented a presentment, dated May 2, 1908, of the Grand Jury of the County of Queens, in attendance upon the April, 1908, term of the County Court, urging the Public Service Commission to take such steps as may be lawful to correct the evils and abuses existing at present throughout the County of Queens in connection with the system of surface transportation in use therein, such as overcrowding and poor operation of cars, refusal to give transfers at certain points, lack of proper destination signs on cars, etc., and to grant franchises for the extension of certain lines and the establishment of new ones to cover territory not now served by existing systems. The presentment was referred to the Committee of the Whole.

May 5, 1908.]

984

(13)

O-461

Commissioner McCarroll presented the following order:

COMPLAINT ORDER (No. 461).

Fred H. Cozzens,
Complainant.

against

Staten Island Railway Company, United
States Express Company,
Defendants.

Order No. 461, for satisfaction or answer within ten (10) days, as to inadequate facilities for handling baggage between Staten Island and Manhattan, was approved, confirmed, and ordered filed in the office of the Commission.

(14)

The Secretary stated that the following moneys, collected as fees during the month of April, had been transmitted to the Comptroller of the City, to be accredited to the City Treasury, in accordance with the provisions of the Public Service Commissions Act:

Amount collected in payment for testing gas meters by the Commission.....	\$437.25
Amount received for the sale of contract drawings, specifications, maps, etc....	554.48
Total	<u>\$991.73</u>

(15)

On motion, duly seconded, it was

Resolved, That the following appointments be made from the Civil Service lists:

Name	Position	Salary	To Take Effect
W. H. Underhill.....	Axeman.....	\$60.00 per month	May 5, 1908
William F. Barck.....	Axeman.....	60.00 per month	May 5, 1908
John J. Harrington, Jr.....	Axeman.....	60.00 per month	May 5, 1908
Ira Ramus	Axeman.....	60.00 per month	May 1, 1908
J. Henry Adolph.....	Rodman.....	80.00 per month	May 5, 1908
Victor Mishkin	Rodman.....	80.00 per month	May 5, 1908
Charles D. Calkins.....	Rodman.....	80.00 per month	May 5, 1908
Herman D. Hirsch.....	Rodman.....	80.00 per month	May 5, 1908
Abraham F. Kristal.....	Rodman.....	80.00 per month	May 5, 1908
Morris Glassberg	Rodman.....	80.00 per month	May 5, 1908
Emanuel Scheyer	Engineering Draughtsman....	125.00 per month	May 4, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(16)

On motion, duly seconded, it was

Resolved, That the salary of Julius Soman, Axeman, be changed from \$2.00 per day to \$60.00 per month, to take effect May 1, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(17)

2879

On motion, duly seconded, it was

Resolved, That the following provisional appointments be made:

Name	Position	Salary	To Take Effect
Leon B. Wolf.....	Structural Draughtsman.....	\$125 per month	May 1, 1908
Olof A. Nilson.....	Structural Draughtsman.....	125 per month	May 5, 1908
Herbert E. Brink.....	Structural Draughtsman.....	100 per month	May 1, 1908
George W. Andrews.....	Structural Draughtsman.....	100 per month	May 4, 1908
Francis E. Hilton.....	Junior Engineering Draughts- man	50 per month	May 4, 1908

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(18)

2879

On motion, duly seconded, it was

Resolved, That the transfer be approved of the following named employees, from the office of this Commission to the office of the Bureau of Sewers, Brooklyn, New York:

Name	Position	Present Salary	Proposed Salary
James F. Gibson.....	Axeman.....	\$720	\$750
C. E. Booth.....	Axeman.....	720	750
Edward J. Buchanan.....	Rodman.....	960	1050
Charles J. Eldridge.....	Rodman.....	960	1050
Ludwig Jausse	Rodman.....	960	1050

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(19)

2878-E

On motion, duly seconded, it was

Resolved, That the resignation of Elizabeth C. Fagan, filing clerk, be accepted, to take effect May 1, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

May 5, 1908.]

986

(20)

2880-M

The Secretary presented a communication from D. L. Turner, General Inspector, recommending that P. L. Hass, Computer, be granted two weeks' leave of absence without pay, beginning May 1, 1908, and on motion, duly seconded, it was

Resolved, That P. L. Hass, Computer, be granted two weeks' leave of absence without pay, beginning May 1, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

The Secretary stated that various civic organizations in Staten Island had made requests for a hearing in the matter of the continuation of the Fourth Avenue subway to Staten Island, and on motion, duly seconded, it was

Resolved, That a public hearing be given in the hearing room of the Commission at 154 Nassau Street at 4:00 P. M., on Friday, May 15, 1908, in the matter of the continuation of the Fourth Avenue subway to Staten Island.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

FINAL ORDER (No. 462).

O-462

Commissioner McCarroll moved the adoption of a final order directed to the Staten Island Rapid Transit Railway Company,

Ordering:

(1) That the Staten Island Rapid Transit Railway Company remove its freight business now being conducted at the freight yard just east of Bay Street and opposite Townsend Avenue, Clifton, to the yard located east of Bay Street and about one hundred and fifty feet north of Vanderbilt Avenue and extending therefrom north about five hundred and seventy-five feet.

(2) That the movement of the locomotives from the locomotive storage yard opposite Simonson Avenue, Clifton, into and out of service, be discontinued across Bay Street as far as it may be practicable to do so by introducing said locomotives into service from the northern end of the yard.

That this order shall take effect on May 15th, 1908, and shall continue in force for a period of two years from and after the taking effect of the same, but without prejudice to an order for further or additional hearings and action thereon by the Commission in respect of anything herein prescribed prior to the expiration of said period of two years.

The motion was duly seconded.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, MAY 8, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for May 5, 1908, as printed in the CITY RECORD for May 8, 1908, was approved.

(2)

1020

The Secretary presented the following letter from John F. Ahearn, President of the Borough of Manhattan, which was referred to Commissioner Eustis:

CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF MANHATTAN, }
CITY HALL, May 6th, 1908.

Hon. WILLIAM R. WILLCOX, *Chairman, Public Service Commission*, No. 154 Nassau Street, New York:

DEAR SIR—You will find enclosed the report of Mr. Rudolph Hering, the Consulting Engineer retained by the Board of Estimate and Apportionment to investigate and report as to the effect the construction of proposed subways will have upon the sewer system of this Borough. You will also find enclosed a communication from the Chief Engineer of Sewers in relation to the same subject.

Mr. Loomis recommends that a copy of Mr. Hering's report be forwarded to your Commission and that you be requested to consider the matter and adapt your sewer plans to the new system proposed. I approve of this recommendation, and beg to ask that you co-operate with this Department in the way suggested.

The question of constructing additional subways is doubtless one of vital interest to the people, but the integrity and efficiency of the sewer system, so necessary to the health of the community, is a matter of equal if not greater importance.

(33)

[Form 2036]

[1 M (B)]

May 8, 1908.]

• 988

Up to this time this Department, notwithstanding the fact that it is charged with the maintenance and care of all public sewers, has received little consideration in either the designing or approving of plans showing changes in the sewer system.

The result has been a disarrangement of sewers and a flattening of their grades to such an extent as to make the maintenance and operation both difficult and expensive. This difficulty could be in a large measure avoided if the plans showing sewer changes were submitted to this Department for *approval* in the first instance.

Will you be good enough to inform me as to what extent your Commission is willing to comply with the wishes of this Department in these matters?

Yours very truly,

(Signed) JOHN F. AHEARN,
President, Borough of Manhattan.

(3)

1044

The Secretary presented a communication dated May 5th, 1908, from William M. Laurence, Assistant Secretary of the Board of Estimate and Apportionment, transmitting a certified copy of the following resolution, which was referred to the Chief Engineer:

"Resolved, That the width of the carriageway and sidewalks in Fifth avenue, in the Borough of Manhattan, between Twenty-fifth street and Forty-seventh street, be and hereby are established as follows:

"The width of the said carriageway shall be fifty-five feet. The width of each sidewalk along the said carriageway shall be twenty-two and a half feet.

"Resolved, That the Borough President of the Borough of Manhattan be and he is hereby directed to construct the said carriageway and sidewalks in accordance with the foregoing resolution, and to remove all encumbrances and encroachments upon Fifth avenue interfering with said construction."

(4)

C-21

The Secretary presented a communication dated May 4th, 1908, from Joseph Haag, Secretary of the Board of Estimate and Apportionment, transmitting a certified copy of a resolution adopted by them April 24th, 1908, revoking the resolution rescinding the resolution adopted by the Board of Aldermen April 30th, 1895, granting permission to John Glass to lay a switch in Tenth avenue to connect with the New York Central tracks at the southwest corner of Bloomfield street. The communication was referred to the Committee on Eleventh Avenue.

(5)

HEARING ORDER (No. 463).

O-463

On motion by Commissioner Maltbie, duly seconded, a hearing order (No. 463) was adopted directing a hearing on May 19th, 1908, at 3:30 o'clock p. m., to inquire whether the New York City Railway Company or its Receivers should increase the

service on the 86th Street Crosstown Line so as to provide during every fifteen minute period of the day or night a ~~ten~~ per cent. (10%) excess of seats over passengers at any point of observation on said line.

The Chair designated Commissioner Maltbie to conduct the hearing.

(6)

HEARING ORDER (No. 464).

O-464

On motion by Commissioner Bassett, duly seconded, a hearing order (No. 464) was adopted directing a hearing on May 21, 1908, at 2:30 o'clock p. m., to inquire whether the Brooklyn, Queens County and Suburban Railroad Company should increase its service on the Metropolitan Avenue Line so as to provide during every thirty minute period of the day and night a number of seats at least ten per cent. (10%) in excess of the number of passengers at any point of observation on said line; the number of cars passing any point, however, never to be less than three in each half hour, in each direction, except that between the hours of 12:00 o'clock midnight and 5:00 a. m. the number of cars should never be less than one car per hour in each direction.

The Chair designated Commissioner Bassett to conduct the hearing

(7)

HEARING ORDER (No. 465).

O-465

On motion by Commissioner Maltbie, duly seconded, a hearing order (No. 465) was adopted directing a hearing on May 22d, 1908, at 2:30 o'clock p. m., to inquire whether all street railroads in the city of New York or their receivers should not be required to give reasonable notice in writing to the Commission of any proposed purchase by them or any of them of any cars, brakes, fenders or other equipment and submit the plans and specifications pertaining to such proposed purchase.

The Chair designated Commissioner Maltbie to conduct the hearing.

(8)

HEARING ORDER (No. 466).

O-466

On motion by Commissioner Maltbie, duly seconded, a hearing order (No. 466) was adopted directing a hearing on May 19th, 1908, at 4:00 o'clock p. m., to inquire whether every closed car of the New York City Railway Company or Adrian H. Joline and Douglas Robinson, Receivers of said company, shall receive a thorough inspection including the car body, motor and electric equipment, wiring and brakes, and whether all defects thereof shall be carefully noted and the car sent through various shops and there overhauled and repaired so that when completed it may be in first class operating and practically new condition.

The Chair designated Commissioner Maltbie to conduct the hearing.

(9)

DISMISSAL ORDER (No. 467).

O-467

On motion of Commissioner Eustis, duly seconded, a dismissal order (No. 467) was adopted dismissing the proceedings in the matter of the complaint of Patrick J. McGrath against the Interborough Rapid Transit Company with respect to inadequacy of stairways at the 80th Street station on the Second Avenue Elevated Road.

(10)

DISMISSAL ORDER (No. 468).

O-468

On motion of Commissioner Eustis, duly seconded, a dismissal order (No. 468) was adopted dismissing the proceedings in the matter of the complaint of Ralph Folks against the Interborough Rapid Transit Company with respect to the inadequacy of stairways at the 86th Street station on the Second Avenue Elevated Road.

(11)

FINAL ORDER (No. 469).

O-469

On motion by Commissioner Maltbie, duly seconded, an order (No. 469) was adopted amending Final Order No. 424 directed to the Third Avenue Railroad Company and Frederick W. Whitridge its Receiver, in respect to service on the Third Avenue and Amsterdam Avenue Line so that instead of said order reciting "Edward A. Maher, Esq. appearing for said Receiver" it may read "Edward A. Maher, General Manager of the Third Avenue Railroad Company for its Receiver, attending, at the request of the Commission."

(12)

EXTENSION ORDER (No. 470).

O-470

On motion by Commissioner Bassett, duly seconded, an extension order (No. 470) was adopted, further extending to July 19th, 1908, the time within which the Brooklyn Union Elevated Railroad Company shall construct additional stairways at the Gates Avenue and Halsey Street Stations on the Broadway Line, under the provisions of Final Order No. 156.

(13)

FINAL ORDER (No. 471).

O-471

Commissioner Bassett presented an opinion, which was approved, recommending an increase of service on the Broadway Elevated Line of the Brooklyn Union Elevated Railroad Company, and on his motion, duly seconded, Final Order (No. 471) was adopted, directing said Company to operate daily, including Sundays, over every point of its Broadway Elevated Line between Marcy Avenue and Manhattan Junction, a sufficient number of cars in each direction past any point of observation to provide during every thirty minute period of the day and night a number of seats at least equal to the number of passengers at that point; the number of trains passing any point between Marcy Avenue and Manhattan Junction to be, however, never less than four (4) in each thirty minute period between the hours of 6:00 a. m.

and 11.00 p. m., and never less than three (3) in each thirty minute period between the hours of 11:00 p. m. and 1:00 a. m.; said order to take effect on May 25, 1908, and to continue in force for a period of two years thereafter.

(14)

ORDER (No. 472) AMENDING FINAL ORDER (No. 421).

O-472

On motion of Commissioner Maltbie, duly seconded, an order (No. 472) was adopted, amending Final Order No. 421 in the matter of the service of the Dry Dock, East Broadway and Battery Railroad Company and of Frederick W. Whitridge, its Receiver, upon the Grand Street Crosstown Line and upon the Grand and Desbrosses Street Line, by striking out the recital in the said Final Order:—"Edward A. Maher, Esq., General Manager, appearing for said Railroad Company and said Receiver" and inserting as follows:—"No one appearing for the said Railroad Company or for Frederick W. Whitridge, Receiver of said Company."

(15)

DISMISSAL ORDER (No. 473).

O-473

Commissioner Eustis presented a report, which was approved, recommending the dismissal of the proceedings under Hearing Order No. 279 with respect to changes in the manner of announcing trains at the 125th Street station of the New York Central and Hudson River Railroad Company and the New York, New Haven and Hartford Railroad Company, and on his motion, duly seconded, Dismissal Order (No. 473) was adopted dismissing said proceedings.

(16)

FINAL ORDER (No. 474).

O-474

On motion of Commissioner Eustis, duly seconded, a Final Order (No. 474) was adopted directing that the Union Railway Company and Frederick W. Whitridge, its Receiver, extend their line on Fort Schuyler Road at the intersection of said road with the Eastern Boulevard, along said Eastern Boulevard up to the point where Town Dock Road intersects Eastern Boulevard, and as far as the franchise rights of the said Company extend on Eastern Boulevard, and to build and equip such extension in a suitable and proper manner for the operation of said line, and with such switches and turn-outs as may be required to enable said Company and its said Receiver to give adequate service upon said Eastern Boulevard and upon said Fort Schuyler Road; also directing said Union Railway Company and said Frederick W. Whitridge, its Receiver, to operate daily, including Sunday, over every point on said line on said Fort Schuyler Road and over every point on said line on Eastern Boulevard when completed, either

(a) A sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night between the hours of 6:30 a. m. and 1:45 a. m. at least a seat for every passenger; the number of cars passing any point in each direction to be, however, never less than eight (8) cars per hour between 6:30 a. m. and 9:00 a. m. and between 3:30 p. m. and 8:00 p. m., and

never less than four (4) cars per hour in each direction between 9:00 a. m. and 3:30 p. m. and between 8:00 p. m. and 1:45 a. m.; or

(b) A minimum number of fifteen (15) cars in each direction in each thirty minute period in which the provisions of subdivision (a) above are not complied with;

Said extension on said line on said Eastern Boulevard to be completed and the operation of cars thereon to be begun not later than the 15th day of June, 1908, and said improvements, changes, and additions, to and in the operation of its cars on said Fort Schuyler Road and Eastern Boulevard to be instituted not later than the 15th day of June, 1908.

(17)

3045

The Secretary stated that during the month of April, 1908, the Public Service Commission had tested 30,779 gas meters; that of this number 7,488 were new meters, 22,640 were repaired and removed meters and 651 were complaint meters; that the following table showed the results of the tests of meters upon complaint:

No. Tested	Correct	Fast	Slow	Total % Fast	Total % Slow	Avg. % Fast	Avg. % Slow
651	76	361	214	1019.43	606.86	2.82	2.83

that the total number of meters of all kinds tested by the Commission since its creation to April 30, 1908, was 240,306, and that the total number of complaint meters tested during the same period was 5,018.

(18)

3357

The Secretary presented a communication dated May 4th, 1908 from Charles A. Schieren, President of the Brooklyn Academy of Music, asking the Commission to make such modification of the subway route along Ashland Place as to prevent any disturbance of said Academy on account of noise and vibration caused by the passage of trains. The communication was referred to the Chief Engineer.

(19)

On motion, duly seconded, it was

Resolved, That Arthur Weindorf be appointed from the Civil Service list as Architectural Draughtsman, at a salary of \$80.00 per month, to take effect May 11, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(20)

On motion, duly seconded, it was

Resolved, That Horace H. Sears be appointed provisional Structural Draughtsman at a salary of \$125.00 per month, to take effect May 7, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

The Secretary presented a communication from the Chief Engineer, dated May 7, 1908, recommending that the appointment of Thomas P. Lyons, Axeman, be terminated, on account of absence without leave, and on motion, duly seconded, it was

Resolved, That the appointment of Thomas P. Lyons, Axeman, be terminated as of May 1, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

The Secretary presented a communication from the Chief Engineer, dated May 5, 1908, recommending that the appointment of Albert C. Miller, Bridge Draughtsman, be terminated, as his appointment was a temporary one, and on motion, duly seconded, it was

Resolved, That the temporary appointment of Albert C. Miller, Bridge Draughtsman, be terminated as of May 6, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

3372

The Secretary presented the following letter from the Counsel to the Commission, and it was ordered that a copy of the same be sent to the Borough President, together with the plans referred to therein:

April 30, 1908.

Hon. JOHN E. EUSTIS, Commissioner:

SIR—Referring to the application of the President of the Borough of The Bronx dated March 31, 1908, for a determination by the Commission "of the manner in which East 174th Street, in the Borough of The Bronx, City of New York, shall be constructed across the railroad of the New York and Harlem Railroad Company, and for the approval by said Commission of the dimensions and material of the bridge by means of which said street shall be carried across such railroad," and to your recent oral inquiry whether a hearing was necessary under Section 61 of the Railroad Law, I am of the opinion that under Section 61 of the Railroad Law the Commission may lawfully act in this matter only in the event of the City of New York making application to the Commission in connection with a proceeding to open or extend East 174th Street across the railroad tracks. Although the Borough President's letter expresses the opinion that a foot bridge is a sufficient method of carrying the street across the tracks, with due regard to present needs, it does not appear that either the Railroad Company or the City of New York contemplates the opening or construction of the street, but rather the construction of a substitute for the street, and with this substitute I think the Commission has nothing to do.

If the Commission is to act at all, the necessity of the new street must be determined by the City authorities and a hearing must be held before the Commission, after notice given to the property owners, and the determination, when made, must take into consideration the interest of the property owners as well as that of the City and the Railroads.

I have not overlooked Chapter 721, Laws of 1887, referred to in the letter of the Borough President, authorizing certain agreements with the railroad company, but I fail to find any authority for the Commission to act in the matter except upon the application and in the manner provided by Section 61 of the Railroad Law, which contemplates the opening and construction of a *street* and not the mere construction of a foot bridge.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

(24)

C-1654

Commissioner Eustis presented certain plans which had been prepared by the Chief Engineer for the enclosing of cigar and news-stands in subway stations, and it was ordered that they be returned to the Interborough Rapid Transit Company with the request that they consider the same as substitutes for the plans previously submitted to the Commission by the Company. (See minutes of April 17, 1908.)

(25)

O-475

Commissioner McCarroll moved the following resolution, which was duly seconded:

ORDER (No. 475).

Resolved, That the Brooklyn Rapid Transit Company be required to make answer on or before May 14th to the following:

1. The reasons for the discontinuance of the Park Row service on the St. John's Place, Third Avenue and Vanderbilt Avenue lines.

2. Reasons for the increasing of the service through Fulton Street and the apparent decrease of service through Livingston Street.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(26)

1127

The Secretary presented a communication from George S. Coleman, Counsel to the Commission, stating that the invitations to contractors on the sections of the Fourth Avenue subway, so-called, had been duly advertised and that therefore the bids could properly be opened and the hour of twelve o'clock noon having arrived the bids as deposited in the sealed box provided for the purpose were opened and publicly read, but

no action thereon was taken other than to refer them to the Counsel and the Chief Engineer. The bids as read were as follows:

SECTION M. B. 1.

Nassau Street to Willoughby Street.

Contractor	Railroad Work	Pipe Galleries
James P. Graham.....	\$1,020,476.55	\$101,374.55
Rogers & Haggerty.....	1,374,000.00	118,000.00
Borough Construction Co. and Charles Cranford.....	1,464,705.12	150,015.36
S. Pearson & Son, Inc.....	1,476,459.00	162,763.00
Degnon Contracting Co.....	1,506,190.00	136,590.00
Millard Construction Co.....	1,517,919.72	153,305.00
Gore Engineering & Contracting Co.....	1,685,427.80	232,572.00
William Bradley	1,690,903.00	189,150.00
Cranford Company	1,941,978.00	200,864.00

SECTION 9-C-1.

Willoughby Street to Ashland Place.

Contractor	Railroad Work	Pipe Galleries
William Bradley.....	\$3,436,019.00	\$58,695.00
Millard Construction Co.....	3,729,344.08	38,987.00
Cranford Company	5,231,495.25	80,507.00
Degnon Contracting Co.....	5,750,085.00	34,750.00

SECTION 11-E-1 AND 11-A-1.

Contract No. 3.

Ashland Place to Sackett Street.

Contractor	Railroad Work	Pipe Galleries
William Bradley	\$3,392,091.50	\$208,135.00
Degnon Contracting Co.....	4,766,587.00	121,210.00
Cranford Company	4,809,574.00	250,935.00

May 8, 1908.]

996

SECTION 11-A-2.

Sackett Street to Tenth Street.

Contractor	Railroad Work	Pipe Galleries
E. E. Smith Contracting Co.....	\$2,283,553.30	\$206,672.00
Millard Construction Co.....	2,456,155.02	280,383.00
S. Pearson & Son, Inc.....	2,659,631.00	258,790.00
Gore Engineering & Contracting Co.....	2,828,195.50	308,877.50
William Bradley	2,851,620.60	325,805.00
Washington Contracting Co.....	3,090,000.00	215,000.00

SECTION 11-A-3.

Tenth Street to Twenty-seventh Street.

Contractor	Railroad Work	Pipe Galleries
James P. Graham	\$1,413,635.00	.....
Tide Water Building Co. and Thomas B. Bryson.....	1,945,640.50	\$251,076.00
E. E. Smith Contracting Co.....	2,218,566.00	303,512.00
S. Pearson & Son, Inc.....	2,508,031.00	327,229.00
Millard Construction Co.....	2,595,503.02	415,180.00
Gore Engineering & Contracting Co.....	2,837,908.15	414,969.50
William Bradley	3,057,764.10	428,715.00
Phoenix Construction Co.....	3,128,000.00	481,000.00

SECTION 11-A-4.

Twenty-seventh Street to Forty-third Street.

Contractor	Railroad Work	Pipe Galleries
Remington & Sherman Co. and F. W. Carlin Construction Co...	\$2,799,000.00	\$299,000.00
E. E. Smith Contracting Co.....	2,808,982.80	173,665.00
Millard Construction Co.....	3,326,412.25	200,205.00
William Bradley	3,523,435.05	217,950.00
S. Pearson & Son, Inc.....	3,532,624.00	184,316.00

TRAVIS H. WHITNEY, SECRETARY.

**PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,**

TUESDAY, MAY 12, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

— — — — —
Present—Commissioner Edward M. Bassett, Acting Chairman; Commissioners Milo R. Maltbie, John E. Eustis.

(1)

On motion, duly seconded, Commissioner Bassett was elected Acting Chairman.

(2)

3194

The Secretary presented a communication dated May 11, 1908, from Joseph Haag, Secretary, Board of Estimate and Apportionment, transmitting a resolution adopted by that Board on May 1, 1908, requiring the New York and Harlem Railroad Company and the New York Central and Hudson River Railroad Company to construct a foot bridge over the tracks of these companies at Park Avenue and 100th Street. The papers were ordered filed.

(3)

1052

The Secretary presented a communication dated May 11, 1908, from Joseph Haag, Secretary, Board of Estimate and Apportionment, transmitting a resolution adopted by that Board on May 1, 1908, revoking the consent granted to George B. Seely's Son by the Board of Aldermen to lay a 6-inch water pipe along West 15th Street from Number 311 to Number 319. The papers were ordered filed.

(4)

2810

The Secretary presented a communication dated May 11, 1908, from Joseph Haag, Secretary, Board of Estimate and Apportionment, transmitting a resolution adopted by that Board on May 1, 1908, granting to the Seaboard Refrigeration Company an extension of time until November 1, 1908 in which to comply with the provisions of Section 2, Twenty-second, of the contract dated June 22, 1906, granting a franchise to said company. The papers were ordered filed.

(34)

[Form 2038]

[1 M (B)]

May 12, 1908.]

998

(5)

1049

The Secretary presented a resolution adopted by the Board of Aldermen May 5th, 1908, requesting the Public Service Commission to call upon the New York and Port Chester Railroad Company to state in what manner it had complied with the conditions of its contract with The City of New York dated May 31st, 1906, and if the said company be shown thereby to have failed in compliance with the conditions of said contract, to certify the same to the Board of Estimate and Apportionment. The resolution was referred to Commissioner Eustis.

(6)

2063, 2532

The Secretary presented the following notices of deposit from H. L. Smith, Assistant Deputy Comptroller of the Department of Finance, which were ordered filed:

April 30th, 1908.

DEAR SIR—I beg to advise you that on April 27th, 1908, the sum of One Hundred and Four Thousand Three Hundred and Six and 15/100 Dollars (\$104,306.15) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn—Manhattan. Authorized June 23, 1905, pursuant to the provisions of Chapter 4, Laws of 1891 as amended by Chapter 7, Laws of 1900 and Sections 45, 169 and 170 of the Greater New York Charter as amended.

Principal	\$100,000 00
Premium	4,306 15

April 30th, 1908.

DEAR SIR—I beg to advise you that on April 28th, 1908, the sum of Sixty Thousand Dollars (\$60,000.00) was deposited to the credit of Revenue Bond Fund—For the Public Service Commission for the 1st District New York, Expenses of. Authorized December 20, 1907, \$12,500.00; January 10, 1908, \$47,500.00, pursuant to the provisions of Section 10, Chapter 4, Laws of 1891 as amended by Section 14, Chapter 429, Laws of 1907.

May 1st, 1908.

DEAR SIR—I beg to advise you that on April 27th, 1908, the sum of Five Thousand Dollars (\$5,000.00) was deposited to the credit of Revenue Bond Fund—For the Public Service Commission for the 1st District New York, Expenses of. Authorized December 20th, 1906, pursuant to the provisions of Section 10, Chapter 4, Laws of 1891 as amended by Section 14, Chapter 429, Laws of 1907.

May 5th, 1908.

DEAR SIR—I beg to advise you that on April 30th, 1908, the sum of Seventy-three Thousand and Fourteen and 31/100 Dollars (\$73,014.31) was deposited to the credit of Rapid Transit Construction Fund—Brooklyn Loop Lines, Borough of Manhattan

(Sub-Title No. 2). Authorized May 24th, 1907, pursuant to the provisions of Section 37, Chapter 4, Laws of 1891.

Principal	\$70,000 00
Premium	3,014 31

(7)

O-476

HEARING ORDER (No. 476).

On motion by Commissioner Bassett, duly seconded, a Hearing Order (No. 476) was adopted directing a hearing on May 26, 1908, at 2:30 o'clock p. m., in the matter of the complaint of Leonard Rose against the Coney Island and Brooklyn Railroad Company with respect to the service on its Covert Avenue and Stanhope Street line.

The Chair designated Commissioner Bassett to conduct the hearing.

(8)

O-477

HEARING ORDER (No. 477).

On motion by Commissioner Eustis, duly seconded, a Hearing Order (No. 477) was adopted, directing a hearing on May 25, 1908, at 2:30 o'clock p. m., to inquire whether the Interborough Rapid Transit Company should maintain a complete emergency organization at accessible points in its Subway system; whether said Company, when it switches express trains to local tracks, in cases of tie-ups, should use the cross-over nearest the point of delay and, when this is done, immediately so inform all trainmen and station men affected by it; and whether said Company should change the location of the block signal at Willow Street to a point east of the Borough Hall, Brooklyn, station.

The Chair designated Commissioner Eustis to conduct the hearing.

(9)

O-478

COMPLAINT ORDER (No. 478).

On motion, duly seconded, Complaint Order (No. 478) was adopted for satisfaction or answer within ten days by the New York City Interborough Railway Company in the matter of the petition of Robert C. Wood requesting that an order be issued directing said company to construct additional railways upon certain routes in The Bronx.

(10)

O-479

COMPLAINT ORDER (No. 479).

On motion, duly seconded, a Complaint Order (No. 479) was adopted for satisfaction or answer within ten days by the Brooklyn Union Elevated Railroad Company, in the matter of the complaint of James Hayzell, with respect to the operation of open cars by said company in inclement weather, on its Fifth Avenue Elevated Line.

(11)

COMPLAINT ORDER (No. 480).

O-480

On motion of Commissioner McCarroll, duly seconded, a Complaint Order (No. 480) was adopted for satisfaction or answer within ten days by the South Brooklyn Railway Company and Nassau Electric Railroad Company, in the matter of the complaint of Walter C. Kaufman, with respect to the operation of open cars by said companies on their 15th Street Line, in inclement weather.

(12)

COMPLAINT ORDER (No. 481).

O-481

On motion by Commissioner McCarroll, duly seconded, a Complaint Order (No. 481) was adopted for satisfaction or answer within ten days by the Staten Island Rapid Transit Railway Company and the Staten Island Railway Company, in the matter of the complaint of the Fifth Ward Improvement Association of the Borough of Richmond, New York City, with respect to passenger rates on Staten Island.

(13)

EXTENSION ORDER (No. 482).

O-482

On motion by Commissioner Bassett, duly seconded, an Extension Order (No. 482) was adopted, further extending to May 18th, 1908, the time of the South Brooklyn Railway Company to answer the complaint of E. Alexander Williams and others with respect to the extension of service from West 12th Street to West 35th Street on Surf Avenue, Coney Island.

(14)

EXTENSION ORDER (No. 483).

O-483

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 483) was adopted extending to June 1, 1908, for the Union Railway Company to file reports with respect to the number of car motors, car bodies and car trucks, in compliance with the terms of Order No. 437 of this Commission.

(15)

EXTENSION ORDER (No. 484).

O-484

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 484) was adopted extending to June 1, 1908, for the Dry Dock, East Broadway and Battery Railroad Company to file reports with respect to the number of car motors, car bodies and car trucks, in compliance with the terms of Order No. 437 of this Commission.

(16)

EXTENSION ORDER (No. 485).

O-485

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 485) was adopted extending to June 1, 1908, for the Southern Boulevard Railroad Company to file reports with respect to the number of car motors, car bodies and car trucks, in compliance with the terms of Order No. 437 of this Commission.

[May 12, 1908.]

(17)

EXTENSION ORDER (No. 486).

O-486

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 486) was adopted extending to June 1, 1908, for the Union Railway Company to file reports with respect to the types of fenders, wheel guards and brakes in compliance with the terms of Order No. 443 of this Commission.

(18)

EXTENSION ORDER (No. 487).

O-487

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 487) was adopted extending to June 1, 1908, for the Dry Dock, East Broadway and Battery Railroad Company to file reports with respect to the types of fenders, wheel guards and brakes in compliance with the terms of Order No. 443 of this Commission.

(19)

EXTENSION ORDER (No. 488).

O-488

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 488) was adopted extending to June 1, 1908, for the Southern Boulevard Railroad Company to file reports with respect to the types of fenders, wheel guards and brakes in compliance with the terms of Order No. 443 of this Commission.

(20)

O-489

Commissioner Maltbie presented the following opinion on Order No. 436 regarding service on the Eighth Avenue line:

ORDER (No. 436).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Additions to the Service and Equipment of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company.

Eighth Avenue Line.

OPINION.

Upon December 27th, 1907, the Public Service Commission adopted an order requiring the New York City Railway Company, or its receivers, to operate at least a certain number of cars during specified hours of the day, every day of the week, including Sunday. This order was issued after hearings had been held at which it appeared that the service upon the Eighth Avenue line was inadequate. The standard of adequacy stated in Order No. 171 was framed to meet ordinary conditions, and observations made after the adoption of the order showed that the number of cars required to be run was not excessive when the traffic was normal. But it also ap-

(11)

COMPLAINT ORDER (No. 480).

O-480

On motion of Commissioner McCarroll, duly seconded, a Complaint Order (No. 480) was adopted for satisfaction or answer within ten days by the South Brooklyn Railway Company and Nassau Electric Railroad Company, in the matter of the complaint of Walter C. Kaufman, with respect to the operation of open cars by said companies on their 15th Street Line, in inclement weather.

(12)

COMPLAINT ORDER (No. 481).

O-481

On motion by Commissioner McCarroll, duly seconded, a Complaint Order (No. 481) was adopted for satisfaction or answer within ten days by the Staten Island Rapid Transit Railway Company and the Staten Island Railway Company, in the matter of the complaint of the Fifth Ward Improvement Association of the Borough of Richmond, New York City, with respect to passenger rates on Staten Island.

(13)

EXTENSION ORDER (No. 482).

O-482

On motion by Commissioner Bassett, duly seconded, an Extension Order (No. 482) was adopted, further extending to May 18th, 1908, the time of the South Brooklyn Railway Company to answer the complaint of E. Alexander Williams and others with respect to the extension of service from West 12th Street to West 35th Street on Surf Avenue, Coney Island.

(14)

EXTENSION ORDER (No. 483).

O-483

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 483) was adopted extending to June 1, 1908, for the Union Railway Company to file reports with respect to the number of car motors, car bodies and car trucks, in compliance with the terms of Order No. 437 of this Commission.

(15)

EXTENSION ORDER (No. 484).

O-484

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 484) was adopted extending to June 1, 1908, for the Dry Dock, East Broadway and Battery Railroad Company to file reports with respect to the number of car motors, car bodies and car trucks, in compliance with the terms of Order No. 437 of this Commission.

(16)

EXTENSION ORDER (No. 485).

O-485

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 485) was adopted extending to June 1, 1908, for the Southern Boulevard Railroad Company to file reports with respect to the number of car motors, car bodies and car trucks, in compliance with the terms of Order No. 437 of this Commission.

[May 12, 1908.]

(17)

O-486

EXTENSION ORDER (No. 486).

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 486) was adopted extending to June 1, 1908, for the Union Railway Company to file reports with respect to the types of fenders, wheel guards and brakes in compliance with the terms of Order No. 443 of this Commission.

(18)

O-487

EXTENSION ORDER (No. 487).

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 487) was adopted extending to June 1, 1908, for the Dry Dock, East Broadway and Battery Railroad Company to file reports with respect to the types of fenders, wheel guards and brakes in compliance with the terms of Order No. 443 of this Commission.

(19)

O-488

EXTENSION ORDER (No. 488).

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 488) was adopted extending to June 1, 1908, for the Southern Boulevard Railroad Company to file reports with respect to the types of fenders, wheel guards and brakes in compliance with the terms of Order No. 443 of this Commission.

(20)

O-489

Commissioner Maltbie presented the following opinion on Order No. 436 regarding service on the Eighth Avenue line:

ORDER (No. 436).

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvement in and Additions to the Service and Equipment of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of the New York City Railway Company.

Eighth Avenue Line.

OPINION.

Upon December 27th, 1907, the Public Service Commission adopted an order requiring the New York City Railway Company, or its receivers, to operate at least a certain number of cars during specified hours of the day, every day of the week, including Sunday. This order was issued after hearings had been held at which it appeared that the service upon the Eighth Avenue line was inadequate. The standard of adequacy stated in Order No. 171 was framed to meet ordinary conditions, and observations made after the adoption of the order showed that the number of cars required to be run was not excessive when the traffic was normal. But it also ap-

peared that at certain times, particularly upon days when the weather was inclement, the number of cars required by the order provided a greater number of seats than there were passengers. The Receivers of the company also urged that a revised order should be adopted, which would allow greater leeway and more opportunity to provide such service as would meet the varying demands.

Accordingly, a hearing was ordered and duly held upon May 6th, at which time the evidence given by an assistant engineer of the Commission, who had charge of the observations, confirmed the earlier observations of the inspectors of the Commission and many statements made by the Receivers. The requirements of Order No. 171 were found not to be well suited to existing conditions, for while the number of cars specified was not too large under ordinary conditions, there were days frequently when the requirements of the order made obligatory the operation of a larger number of cars than necessary.

The standard of adequate service adopted for the 23rd Street line and several other surface lines in the Borough of Manhattan seems likely to be better suited to the traffic demands upon the Eighth Avenue line than the one now in force, and I have directed, therefore, that an order be prepared similar to those now in force upon the other surface lines. The standard thus provided—a 10% excess of seats over passengers in each 15 minute period or the operation of at least 25 cars above 13th Street and 12 below—will be elastic and will not require a greater number of cars to be run at any time than is required by the demands of the traffic. It will, however, if obeyed, provide seats for passengers under ordinary circumstances, and even during rush hours will do away with crowding and reduce the number of passengers standing to a minimum. It is perhaps unnecessary to add that the Commission has always been as willing to modify an order that has ceased to be reasonable or poorly suited to changing conditions as it was to issue the order in first instance.

FINAL ORDER (No. 489).

Thereupon, on motion of Commissioner Maltbie, duly seconded, a Final Order (No. 489) was adopted directing that the service of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, Receivers of the New York City Railway Company, on the Eighth Avenue Line, be supplemented and changed as follows:

(1) By operating daily including Sundays over every point on the Eighth Avenue Line between 13th Street and the northerly terminus of the line either

(a) a sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. (10%) in excess of the number of passengers at that point; the number of cars passing any point to be, however, never less than six (6) per hour in each direction; or

(b) A minimum number of twenty-five (25) cars in one direction in each fifteen (15) minute period in which the provisions of subdivision (a) above are not complied with.

(2) By operating daily including Sundays over every point of the Eighth Avenue Line between 13th Street and the southerly terminus of the line either

(a) a sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. (10%) in excess of the number of passengers at that point; or

(b) a minimum number of twelve (12) cars in one direction in each fifteen (15) minute period in which the provisions of subdivision (a) above are not complied with;

And directing that said order shall take effect on May 18th, 1908.

(21)

O-490

Commissioner Bassett presented the following opinion regarding the opening of Hegeman avenue:

In the Matter
of

The Application of The City of New York relative to opening across the tracks of the Manhattan Beach Branch of the Long Island Railroad Company and the Brooklyn Union Elevated Railroad Company the following street, Hegeman Avenue, between East 98th Street and New Jersey Avenue in the Borough of Brooklyn, City of New York.

OPINION.

A hearing was held before me on an application by The City of New York to the Commission, under Section 61 of the Railroad Law, for determination whether the proposed extension of Hegeman Avenue between East 98th Street and New Jersey Avenue in the Borough of Brooklyn should pass over or under or at grade of the tracks of the Manhattan Beach Branch of the Long Island Railroad Company and the tracks of the Brooklyn Union Elevated Railroad Company, and for a determination of the manner and method of crossing and the grades thereof. The tracks of these two railroads at the point of their intersection with the proposed extension of Hegeman Avenue are over 100 feet apart, and for this reason two determinations by this Commission are necessary, one as to each railroad.

At the hearing there appeared the two railroad companies, the City of New York, the Brooklyn Grade Crossing Commission and several property owners. All agreed that owing to the present grades of the railroads, Hegeman Avenue must pass under the tracks of both railroads. It appeared also that the Brooklyn Grade Crossing Commission, by virtue of special legislation, had fixed the grade of the Long Island Railroad Company at this point. It was found also that the established grades of Hegeman Avenue would carry that street beneath the tracks of the Long Island Railroad Company, leaving ample headroom, and I therefore recommend as to the Long Island Railroad that the grade of the tracks remain as fixed by the Brooklyn Grade Crossing Commission and that the grades of the approaches to the crossing under the tracks of

the railroad be those already established as the official grade of Hegeman Avenue. I recommend also that the abutments of the bridge carrying the railroad over Hegeman Avenue be the same width as the proposed extension of Hegeman Avenue.

Nelson P. Lewis, Esq., Chief Engineer of the Board of Estimate and Apportionment, had prepared and kindly furnished to the Commission a summary statement of the grades which he believed should be adopted in order to carry Hegeman Avenue beneath these two sets of tracks, and his suggestions, which appear to be in accord with the ideas of the representatives of the two railroad companies, have been embodied in the order which I submit herewith.

In respect to the Canarsie Branch of the Brooklyn Union Elevated Railroad Company, I believe that it is necessary to establish the grade of the street four feet below the grade heretofore legally established at this point, the grade or approaches to be uniform grades from the present legally established grade of Snediker Avenue, the bridge carrying the railroad tracks over the street to be 70 feet in length, that being the full width of Hegeman Avenue.

The determination recommended gives a clearance between the bottom of the bridge and the established grade of the street of 12.64 feet in the case of the Brooklyn Union Elevated Railroad Company and of 14 feet in the case of the Long Island Railroad Company.

FINAL ORDER (No. 490).

Thereupon, on motion of Commissioner Bassett, duly seconded, a Final Order (No. 490) was adopted determining:

- (1) As to the Long Island Railroad Company, that
 - (a) When Hegeman Avenue shall hereafter be constructed across the Manhattan Beach Branch of the Long Island Railroad Company, it shall be constructed under said railroad;
 - (b) The grade of the street beneath the tracks shall be at an elevation of 15.8 feet above mean high tide, that being the legally established grade of Hegeman Avenue;
 - (c) The elevation of top of rail of the railroad tracks to be 33.68 feet above mean high tide, this being the grade for the railroad as fixed by the Brooklyn Grade Crossing Commission in its plan for the Bay Ridge Improvement.
 - (d) The grades of the approaches to said crossing to be those already established as the official grade of Hegeman Avenue.
 - (e) The clearance between the bottom of the Bridge carrying the railroad tracks and the established grade of the street to be not less than 14 feet.
 - (f) The abutments carrying the bridge to be placed on the building line and to be seventy feet distant from each other, measured at right angles.
 - (g) When the span measured along the track does not exceed 70 feet, then there shall be no intermediate support, but when the span so measured exceeds 70 feet, supporting columns may be placed at the curb line.

(2) As to the Canarsie Branch of the Brooklyn Union Elevated Railroad Company, that

(a) When Hegeman Avenue shall hereafter be constructed across the Brooklyn Union Elevated Railroad, it shall be constructed below the grade of the railroad.

(b) The grade of the street beneath the tracks shall be at an elevation of 12.24 feet above mean high tide, or four feet below the grade of the street heretofore legally established at this point.

(c) The elevation of the top of rail of the railroad tracks to be 27.8 feet above mean high tide.

(d) The grades of the approaches at Hegeman Avenue to be uniform grades from the elevation above given at the crossing of the Long Island Railroad Company's tracks, namely, 15.8 feet, and from the present legally established grade of Snediker Avenue, namely, 15 feet above mean high tide.

(e) The clearance between the bottom of the bridge carrying the railroad tracks and the established grade of the street shall not be less than 12.64 feet.

(f) The abutments carrying the bridge to be placed on the building line and to be 70 feet distant from each other, measured at right angles.

(g) When the span measured along the track does not exceed 70 feet, then there shall be no intermediate support, but when the span so measured exceeds 70 feet, supporting columns may be placed at the curb line.

And directing that before the construction of the bridges is commenced, detailed plans and specifications approved by the Chief Engineer of the Railroad Company and by the Chief Engineer of the Board of Estimate and Apportionment, and an estimate of the expense of the proposed changes shall be submitted to the Public Service Commission for the First District for their approval.

(22)

C-1921

The Secretary presented a report by Commissioner Bassett in reference to the presentment of the Grand Jury of the County of Queens dated May 2, 1908, with regard to the poor transportation facilities existing at present in the Borough of Queens. The report was ordered filed.

(23)

2132

The Secretary presented a communication dated May 8th, 1908, from Edward Hartung, Secretary of the Citizens Association of Bay Ridge and Fort Hamilton, stating that that Association had passed a resolution endorsing the extension of the Fourth Avenue Subway under the Narrows into the Borough of Richmond, which was ordered filed.

(24)

O-410

The Secretary presented a communication dated May 8th, 1908 from Henry A. Gumbleton, Secretary of the Local Boards of the Borough of The Bronx, transmitting the following resolution adopted by the Local Board of Crotona, Twenty-fourth District, on April 30th, 1908, which was referred to Commissioner Eustis:

May 12, 1908.]

1006

Resolved, That the Local Board of Crotona, 24th District, considers that the large petition sent to the Public Service Commission for the First District was in the nature of a complaint, in the matter of lack of stairways leading to East 161st Street Elevated Station, and be it further

Resolved, That a sketch be prepared and forwarded to the Public Service Commission showing additional stairways suggested at the points referred to herein, one to be presented to the Public Service Commission and the other to the Interborough Rapid Transit Company in order to meet the complaints of citizens as to the inadequate stairway facilities at East 161st Street and Third Avenue; and the Local Board of Crotona hereby requests that the Public Service Commission endeavor to have the said Interborough Rapid Transit Company construct a stairway leading to the present 161st Street Elevated Station on the easterly side of Third Avenue, and also on the easterly and westerly sides of Third Avenue at East 163rd Street, as shown on sketch transmitted herewith.

(25)

On motion, duly seconded, it was

Resolved, That the following provisional appointments be made:

Name.	Position.	Salary.	To Take Effect.
Frederick L. Ancher.....	Engineering Draughtsman	\$100 per month	May 8, 1908
William W. Lyon, Jr.....	Junior Engineering Draughtsman..	75 per month	May 11, 1908
John C. Wolfe.....	Structural Draughtsman	125 per month	May 11, 1908
Carroll H. Gardner.....	Engineering Draughtsman	100 per month	May 12, 1908
C. M. Reinhardt.....	Architectural Draughtsman	100 per month	May 11, 1908
Bernard McGuire.....	Architectural Draughtsman	80 per month	May 9, 1908

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(26)

On motion duly seconded it was

Resolved, That Albert E. Allen be appointed from the Civil Service list to the position of Electric Meter Inspector, at a salary of \$1200.00 per annum, to take effect May 25, 1908.

Ayes—Commissioners Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(27)

The Secretary presented a communication from Charles D. Calkins, declining appointment as Rodman, which was ordered filed.

(28)

1127

The Secretary presented the following communication dated May 8th, 1908 from Westinghouse, Church, Kerr & Co., which was referred to the Chief Engineer:

May 8, 1908.

To the Public Service Commission for the First District, Acting for The City of New York:

GENTLEMEN—In response to your invitation to Contractors for the construction of the Fourth Avenue Subway, Brooklyn, we have submitted a proposition for your consideration, believing that it offers superior advantages to the City in the production of this work at minimum cost.

The essential features of this plan are not novel, having been largely used in various forms of agreement during the past ten years or more, in the construction of the largest classes of work. This mode of performance has by long experience been so adjusted to the economies and best interests of large undertakings as to have become common usage with many large railroad, manufacturing, and other corporations. It is therefore here proposed with a view to its introduction in this public work, providing it should meet your favor.

As a contract defining relationship rather than specifying performance, it is of the "Master and Servant" type, in which a superior control continually resides in the "master," thereby enabling broad discretion in the direction of the performance of the skilled servant.

We submit that this type of agreement is better adapted to the performance of large undertakings over long periods of time than the conventional performance contract, the administration of which is exceedingly difficult, departures from which are made necessarily profound by the constant interference of conditions, and in which the opportunity for excess cost becomes maximum through extras and unforeseen contingencies, and whose variability largely exceeds the fixity of the type of performance contract which they attend.

We further submit that this method is one with which we have had much experience and under which we have done work of the largest, most difficult, and complicated character, with results so satisfactory as to cause a continual increase of use in work of the largest magnitude.

Its form may be varied to any degree necessary to cover the conditions of any given undertaking, providing its essentials are retained and that its spirit and general mode of administration are preserved. This elasticity has often been favorably remarked—its merits remaining intact throughout a broad scope of activity and variation of the elements to which it relates.

We especially suggest as a matter of fact and experience that no intermediate or compromise form between this "master and servant" type and a lump sum contract is admissible, since thereby will be obtained the defects of both with the virtues of neither.

May 12, 1908.]

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We call especial attention to the fact that this is not a percentage contract, since a percentage contract is—like any other performance contract—essentially and legitimately a selfish operation, in which the performer is working primarily for his own interests. Under such conditions, whatever defects are inherent in the type are multiplied by a percentage compensation, and especially is the incentive to keep down costs adversely affected.

In a relationship agreement as usually drawn, even though compensation is based on percentage of cost, the motive of those trained by experience in such work is the unselfish spirit of service, which has been amply proven to be a sufficient influence in realizing lowest costs—especially as this factor is the greatest and almost only influence in securing additional work.

In this instance we have especially provided a further element whereby the compensation is fixed upon quantities only, irrespective of the cost of such quantities, and we have added premium and penalty features to further enhance the inducement to economize.

Although agreements of this character, establishing a "master and servant" relationship, have so far as we know never been attended by a bond for faithful performance, it may be deemed necessary or advisable that such bond be given in public work of this character, in which case we would have no objection to giving such bond in a sum commensurate with the obligation to be covered,—such bond to be of character and form to be mutually determined.

It will give us pleasure to confer with you to any extent that you may desire, with a view to assisting your consideration of this method of performing construction work.

Very truly yours,

(Signed) WALTER C. KERR, President.

(29)

O-447

The Secretary presented a copy of a communication sent by F. W. Whitridge, Receiver of the Third Avenue Railroad Company to M. Burr Wright, complainant, under order 447, which on motion was referred to Commissioner Maltbie.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

WEDNESDAY, MAY 13, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present: Commissioner Edward M. Bassett, Acting Chairman, Commissioners William McCarroll, Milo R. Maltbie, John E. Eustis.

(1)

The Secretary presented the following communication from the Mayor of The City of New York:

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
May 12, 1908. }

To the Public Service Commission for the First District, 154 Nassau Street, City:

GENTLEMEN—The City has in contemplation the erection of a Municipal Office Building on a site bounded by Park Row, Duane and Centre Streets. Under the provisions of Chapter 670 of the Laws of 1907, this building is to be erected by the Department of Bridges.

As your Board has contracted for the construction of a subway station at this site, it is desirable that the Department of Bridges should co-operate with your Board in the preparation of plans for the foundation of the proposed building.

I request, therefore, that you direct your contractor to suspend further work in connection with the subway station, other than the excavation therefor, until plans can be agreed upon.

Very truly yours,

(Signed) GEO. B. McCLELLAN, Mayor.

On motion, duly seconded, it was thereupon

Resolved, That the Commission hereby directs the Bradley Contracting Company, the contractor for that section of the Brooklyn Loop Lines within which the proposed Municipal Office Building referred to by the Mayor is to be erected, to forthwith suspend the execution of that part of the work affected by the construction of such

(35)

May 13, 1908.]

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proposed Office Building other than excavation, such suspension to continue until such time as the Commission shall direct the contractor to resume work thereon.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Commission reconvened at 4:00 p. m.

(2)

APPLICATION OF THE NASSAU ELECTRIC RAILROAD COMPANY FOR CERTIFICATE
OF APPROVAL.

The Secretary presented the following petition from the Nassau Electric Railroad Company:

To the Public Service Commission for the First District:

GENTLEMEN—Your petitioner, the Nassau Electric Railroad Company, respectfully represents:

First—It is a street surface railroad corporation duly incorporated under the laws of the State of New York, by certificate filed in the Office of the Secretary of State on the 13th day of March, 1893, a certified copy of which is on file in your office.

Second—By certificate filed in the Office of the Secretary of State on the 26th day of January, 1899, the Atlantic Avenue Railroad Company of Brooklyn, a street surface railroad corporation, was duly merged with and became part of The Nassau Electric Railroad Company.

Third—On the 6th day of May, 1908, your petitioner duly filed in the Office of the Secretary of State a certificate of its intention to construct extensions of its railroad in the Borough of Brooklyn, City of New York, on the routes hereinafter described—copy of which Certificate of Extension duly certified by the Secretary of State and County Clerk will be furnished.

That the following is a description of the streets, roads, avenues and highways in or upon which it was proposed by said certificate to construct, maintain and operate such extensions or branches, to wit:

“Along and upon Flatbush Avenue from the present terminus of its track on the Easterly side of said street between Atlantic Avenue and Fourth Avenue, to Fourth Avenue, thence along Fourth Avenue to Atlantic Avenue, and along Atlantic Avenue to Flatbush Avenue by single or double track street surface electric railroad to be operated by the overhead single trolley system, together with the necessary poles, wires and equipment with connections at Flatbush Avenue and Fourth Avenue and at Flatbush Avenue and Atlantic Avenue with tracks of The Brooklyn City Railroad Company.”

Fourth—On the 6th day of May, 1908, your petitioner obtained from the President of the Borough of Brooklyn a temporary permit to construct and operate the exten-

[May 13, 1908.]

sion hereinabove described, (copy of said permit is hereto attached) and will apply to the Board of Estimate and Apportionment of the City of New York for its consent to the construction and operation of such extension.

Fifth—A Map of said extension showing the streets, avenues and highways in and upon which it is proposed to construct such extension is attached hereto.

Sixth—Your petitioner has not received a certificate of public convenience and necessity for the construction of such extension for the reason that no such consent is required by Section 59 of the Railroad Law in the case of The Nassau Electric Railroad Company, that corporation having been formed prior to the enactment of such statute.

Seventh—Your petitioner has contracted for the material required for the construction and operation of said extension and has received the permit from the Commissioner of Public Works of the Borough of Brooklyn for said construction.

Wherefore, your petitioner prays that the permission and approval of your commission be granted for the construction by The Nassau Electric Railroad Company of an extension of its street surface railroads upon the routes hereinbefore described.

Dated, Brooklyn, May 6th, 1908.

Respectfully submitted,

THE NASSAU ELECTRIC RAILROAD COMPANY,
(Signed) By J. F. CALDERWOOD, Vice-President.

State and City of New York, }
Borough of Brooklyn, } ss.:
County of Kings, }

J. F. Calderwood, being duly sworn deposes and says that he is Vice-President of The Nassau Electric Railroad Company, that he has read the foregoing petition and knows the contents thereof, and that the same is true of his own knowledge; that the reason why this verification is made by deponent and not by petitioner is that the said petitioner is a corporation and deponent an officer thereof, to wit, its Vice-President.

J. F. CALDERWOOD.

Sworn to before me this 6th day of May, 1908.

J. H. BENNINGTON,

Notary Public, Kings Co. N. Y.

Kings County Register's Certificate No. 1271.

In connection therewith the Secretary presented a communication from the Counsel to the Commission transmitting a form of resolution for a hearing on the said application, with form of notice of hearing.

May 13, 1908.]

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Thereupon, the following resolution was moved and duly seconded:

ORDER (No. 491).

Whereas, The Public Service Commission for the First District has received the petition of the Nassau Electric Railroad Company verified May 6, 1908, praying that the permission and approval of the Commission be granted for the construction by the said Nassau Electric Railroad Company of an extension of its street surface railroads upon the streets, roads, avenues and highways described as follows, to wit:—

“Along and upon Flatbush Avenue from the present terminus of its track on the Easterly side of said street between Atlantic Avenue and Fourth Avenue, to Fourth Avenue, thence along Fourth Avenue to Atlantic Avenue, and along Atlantic Avenue to Flatbush Avenue by single or double track street surface electric railroad to be operated by the overhead single trolley system, together with the necessary poles, wires and equipment with connections, at Flatbush Avenue and Fourth Avenue and at Flatbush Avenue and Atlantic Avenue with tracks of The Brooklyn City Railroad Company.”

Resolved, That the said petition of the said Nassau Electric Railroad Company be heard by and before the Public Service Commission for the First District on the 18th day of May, 1908, at 10:30 o'clock in the forenoon, and that the said company publish a notice of the said application and of the time and place of the said hearing, setting out the names and description of the streets, roads, avenues and highways in and upon which it is proposed to construct and operate such extension, in the following newspapers published in the Borough of Brooklyn, City of New York, at least three days in succession prior to the said hearing and file proof of such publication with the Secretary of this Commission on or before the opening of the said hearing: Brooklyn Eagle, Brooklyn Citizen.

FORM OF NOTICE.

Notice is hereby given, that an application of the Nassau Electric Railroad Company to the Public Service Commission for the First District has been made for permission and authority of the said Commission to the construction and operation of an extension of its street surface railroads in the Borough of Brooklyn, City of New York, upon the streets, roads and avenues therein, as follows, to wit:—

“Along and upon Flatbush Avenue from the present terminus of its track on the Easterly side of said street between Atlantic Avenue and Fourth Avenue, to Fourth Avenue, thence along Fourth Avenue to Atlantic Avenue, and along Atlantic Avenue to Flatbush Avenue by single or double track street surface electric railroad to be operated by the overhead single trolley system, together with the necessary poles, wires and equipment with connections at Flatbush Avenue and Fourth Avenue and at Flatbush Avenue and Atlantic Avenue with tracks of The Brooklyn City Railroad Company.”

and the said application will be heard by the said Commission at its office, Number 154 Nassau Street, Borough of Manhattan, New York City, on the 18th day of May, 1908, at 10.30 o'clock in the forenoon.

Dated, New York, May , 1908.

NASSAU ELECTRIC RAILROAD COMPANY.

By

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The Chair designated Commissioner McCarroll to conduct the hearing.

(3)

The Secretary presented the following communication from H. A. Metz, Comptroller of the City of New York, accompanied by a copy of the report of the Select Committee of the Board of Estimate and Apportionment:

CITY OF NEW YORK—DEPARTMENT OF FINANCE, }
May 13, 1908. }

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District, 154 Nassau Street, City:

DEAR SIR—In the matter of the claims for damages in Park Avenue, on account of construction of the Rapid Transit Railway, the Corporation Counsel has presented a communication to the Board of Estimate and Apportionment in regard to a settlement of the same, which was referred to a Select Committee of the Board, of which I am Chairman.

I am enclosing you a copy of the report of this Committee, which will be presented to the Board of Estimate and Apportionment on Friday next, May 15, together with a resolution for adoption, approving of the terms of the proposed agreement, and also recommending that the Board adopt a resolution authorizing the Comptroller to issue corporate stock in the amount named, provided a requisition for that sum shall be presented by the Public Service Commission for the First District.

In order that the matter may be disposed of at the meeting on Friday, I would suggest that your Commission have prepared the proper requisition for the amount named, at which time action may be taken upon the same.

Yours truly,

(Signed) H. A. METZ,
Comptroller.

In connection therewith the Secretary presented the following communication from George S. Coleman, Counsel to the Commission:

May 13, 1908.

Public Service Commission for the First District:

SIRS—Referring to my previous communication in regard to the adjustment of the litigation arising out of the deviation in the position of the easterly tunnel section of

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the Rapid Transit Railroad in Park Avenue, I now transmit for your consideration a proposed form of agreement with John B. McDonald and Interborough Rapid Transit Company, modifying the contract of February 21, 1900, in order to provide for the carrying out of this adjustment. This agreement has been examined by the Corporation Counsel and has his approval. The matter of this adjustment has been taken up with the Board of Estimate by the Corporation Counsel and was referred to a select committee which, I am advised, will report on Friday next in favor of this adjustment, and recommending that the agreement be approved. In order that the required action of the Board of Estimate in the premises may be completed on Friday next, the Comptroller, in a letter to the Chairman of the Commission, under this date, suggests that requisition be now made upon the Board of Estimate for an amount sufficient to carry the proposed contract into effect. This requisition can be acted upon by the Board of Estimate on Friday in conjunction with the approval of the agreement.

I return herewith the letter of the Comptroller, with its enclosure, and transmit resolutions approving the form of agreement submitted and authorizing the Chairman and Secretary to execute a requisition upon the Board of Estimate, a form for which is also submitted.

Respectfully yours,

(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

Thereupon, the following resolution was moved and duly seconded:

Resolved, That the Commission hereby approves the form of contract submitted providing for the adjustment of the litigation growing out of the deviation in the position of the easterly tunnel section in Park Avenue and that the Chairman and Secretary be authorized to execute and deliver such contract on behalf of the Commission.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The said form of agreement was as follows:

Agreement, made this day of May, in the year One Thousand Nine Hundred and Eight, between The City of New York (hereinafter called the "City") acting by the Public Service Commission for the First District (hereinafter called the "Commission"), party of the first part, and John B. McDonald, of The City of New York (hereinafter called the "Contractor"), and Interborough Rapid Transit Company, a corporation organized under the laws of the State of New York (hereinafter called "Interborough Company"), parties of the second part, witnesseth:

Whereas, Heretofore and on or about the 21st day of February, 1900, the City, acting by the Board of Rapid Transit Railroad Commissioners for The City of New York (hereinafter called the "Board"), entered into a contract with the Contractor for the construction and operation of a Rapid Transit Railroad in The City of

New York and otherwise, as therein mentioned, which contract has since been modified by certain agreements between the parties, and which contract as so modified is hereinafter called the "contract"; and

Whereas, The Contractor has deposited with the Comptroller of the City security for the performance of the said contract for construction and operation on his part, and has given certain bonds as further security for such performance, and upon such bonds there are sureties as follows: Rapid Transit Subway Construction Company, United States Fidelity and Guaranty Company, The Empire State Surety Company, American Surety Company of New York, National Surety Company, and Fidelity and Deposit Company of Maryland; and

Whereas, By written instruments bearing date the tenth day of July, 1902, the Contractor, with the written consent of the Board, concurred in by six members thereof, duly assigned the right and obligation to maintain and operate the said Rapid Transit Railroad for the term of years specified in the Contract and all rights included in the leasing provisions of the Contract, together with the obligation to provide equipment for the said railroad unto Interborough Company, which Company also guaranteed the performance by the Contractor of the provisions of so much of the Contract as was not so assigned to it; and

Whereas, The Commission has succeeded to all the powers and duties of the Board; and

Whereas, The contract provides that no change shall be made therein except by a written instrument duly authorized by the Board, or its successors, and consented to by the Contractor and the sureties upon his said bonds; and

Whereas, The City by the Board, duly adopted Routes and General Plan of Construction for such rapid transit railroad which were adopted by the Board by resolutions adopted on the 14th day of January, 1897, and the 4th day of February, 1897, and later approved by the municipal authorities of The City of New York and consented to by the Appellate Division of the Supreme Court for the First Judicial Department; and

Whereas, In the course of the construction of the portion of the said rapid transit railroad under Park Avenue, in the Borough of Manhattan, in The City of New York, the easterly tunnel section of the said railroad was, between Thirty-fifth and Forty-second streets, constructed further to the eastward—that is to say, nearer to the building line of the houses on the east side of the said Park Avenue—than was indicated in the drawings included in the said Routes and General Plan; and

Whereas, During the course of construction of the said easterly tunnel section, and in the latter part of March, 1902, portions of the rock above such easterly tunnel section, so constructed at certain places on the easterly side of said Park Avenue, between the said Thirty-fifth and Forty-second Streets, sank and disturbed the foundations of certain houses situate on said easterly side of Park Avenue and injured the structures of such houses, and by such sinking of rock, disturbance of foundations and otherwise, damaged, or is claimed to have damaged, the owners thereof; and, Whereas,

in the construction of such portion of said easterly tunnel section blasting was necessary and caused, or is claimed to have caused, annoyance, loss and damage to the owners of certain premises situate on the easterly side of said portion of Park Avenue; and, Whereas, for the purposes of constructing the said easterly tunnel section certain necessary operations were carried on in Park Avenue and certain necessary structures maintained there which caused, or are claimed to have caused, damage to the owners of premises situate on the said easterly side of Park Avenue; and, Whereas, certain supports were placed on the easterly side of said Park Avenue to better assure the safety of certain houses whose structures were injured or threatened by the said sinking of rock and disturbance of foundations, which said supports in some degree obstructed or are claimed to have obstructed the use of said Park Avenue by the occupants of property on its easterly side; and, Whereas, the owners of certain premises on the said easterly side of Park Avenue, between Thirty-sixth and Forty-first Streets, have claimed by reason of the matters aforesaid to have suffered damage; and

Whereas, The claim has been made by certain of the said owners that the place in which such easterly tunnel section was constructed was not within the authority of the said Routes and General Plan and was therefore unlawful, and on that ground have made claims against the City or the Contractor, or the Interborough Company, or against some or all of them, by reason of such sinking of rock, disturbance of foundations and other injury and damage; and

Whereas, The Board heretofore and on or about the 16th day of April, 1903, duly adopted resolutions prescribing a Route and General Plan for a certain new or additional rapid transit railroad or section of railroad, which was to be a substitute for the section of the rapid transit railroad authorized by the said Routes and General Plan of 14th January and 4th February, 1897, and situate under the easterly portion of said Park Avenue, between Thirty-fifth and Forty-second Streets, which had not been constructed, and which new or additional railroad or section was to be identical with the said easterly tunnel section as actually constructed; the result of the said new Route and General Plan being a modification of the said Routes and General Plan of 14th January and 4th February, 1897, by which the said easterly tunnel section should remain in the position in which it has been actually constructed rather than be constructed anew in the position aforesaid in the said drawings included in the said original Routes and General Plan, with the abandonment of such easterly tunnel section as actually constructed; and, Whereas, the said modification of the Routes and General Plan was duly approved by the municipal authorities; and, Whereas, the owners of property abutting upon the portion of the streets occupied by the easterly tunnel section proposed to be authorized by such new or modified Route and General Plan having refused to consent thereto, the City by the Board duly and on or about the 6th day of November, 1903, made application to the Appellate Division of the Supreme Court in the First Judicial Department, for the appointment of three Commissioners to determine and report after due hearing whether the rapid transit railroad or railroads

described in the said new modification of the Route and General Plan ought to be constructed and operated; and, Whereas, the said Commissioners, having been duly appointed and duly taken testimony and heard the matter, reported that, in their opinion, the said new or modified rapid transit railroad ought to be constructed and operated; and, Whereas, thereupon the City by the Board applied to the said Appellate Division for an order confirming the said report of the said Commissioners—the result of which confirmation would be the due and valid authorization of the said easterly tunnel section as so constructed; and

Whereas, The said Appellate Division upon said application delivered an opinion requiring the ascertainment and payment of certain damages, caused as aforesaid, to the owners of certain property situate on the easterly side of the said Park Avenue, between Thirty-sixth and Forty-first Streets, as a condition precedent to the confirmation by the said Court of the report of the said Commissioners; and Whereas, the said Appellate Division thereupon made an order of reference to the Honorable Alton B. Parker, which order was duly entered in the office of the clerk of the said Appellate Division on the 7th day of September, 1905; and

Whereas, The said reference having duly proceeded before the said Honorable Alton B. Parker, he did on or about the 31st day of October, 1906, duly make and file his report bearing date on that day, and which report is now on file in the office the Clerk of the said Appellate Division in and by which report awards were made to the following property owners in the following amounts:

Frederick W. Devoe.....	\$47,805 63
Arabella D. Huntington.....	17,109 00
Charles T. Barney.....	93,325 58
George H. Byrd....	6,500 79
Alice T. Wheelock.	611 50
Alice T. Wheelock and Mary A. Kemys.....	6,823 68
Benjamin Welles and J. M. Taylor, as Executors and Trustees under the Last Will and Testament of Benjamin S. Welles, deceased, Benjamin Welles, individually and Frances Welles, his wife, Jennie A. Gerard, J. W. Gerard and Mary Gerard, his wife, Sumner Gerard and Julia M. Gerard	27,454 00

—and,

Whereas, The said Appellate Division by an order bearing date the 25th day of January, 1907, and duly entered in the office of the Clerk of the said Appellate Division on the 1st day of March, 1907, has duly confirmed in all things the report, and has made provision for the payment of costs and allowances to the following owners in the following amounts:

Frederick W. Devoe.....	\$1,056 00
Arabella D. Huntington.....	946 20
Charles T. Barney.....	1,184 95

George H. Byrd.....	415 24
Alice T. Wheelock and Mary A. Kemys.....	115 58
Alice T. Wheelock.....	391 18
Benjamin Welles and J. M. Taylor, as Executors and Trustees under the Last Will and Testament of Benjamin S. Welles, deceased, Benjamin Welles, individually and Frances Welles, his wife, Jennie A. Gerard, J. W. Gerard and Mary Gerard, his wife, Sumner Gerard and Julia M. Gerard	1,085 85

—and

Whereas, Differences have arisen between the City and the Interborough Company as to whether the City or the Contractor or the Interborough Company, if any of them, is liable for the damages, costs and allowances ascertained and determined as aforesaid by the said Referee and by the said Appellate Division; and

Whereas, It is of importance to the City and to the Interborough Company that the said Appellate Division should make an order fully confirming the report of the said Commissioners, and so validating and lawfully establishing the right of the City and of the Interborough Company and of such others as may lawfully claim under the Contractor, in and to the construction, maintenance and operation of the said easterly tunnel section as now constructed and used between said Thirty-third and Forty-second streets;

Now, therefore, in consideration of the premises and subject to the approval and consents hereinafter provided,

It is agreed that the contract be and the same hereby is modified as follows:

I.—The City shall, for the purpose of securing the prompt validation of the right to construct and operate such easterly tunnel section, forthwith pay and advance to the owners mentioned in the Report the amounts therein respectively awarded to the said owners, as in the said Report prescribed, and, further, the allowance for legal costs or expenses made to said owners by the said order of the said Appellate Division.

II.—The Contractor and Interborough Company agree that such payments shall be considered and treated as a part of the cost of constructing the rapid transit railroad and that rental shall be paid thereon in accordance with the provisions of the Contract.

III.—The Comptroller of the City shall make such payments and shall take receipts in triplicate therefor, one of which shall be delivered to the Interborough Company, another filed with the Commission, and the third retained by the Comptroller, and the Interborough Company shall pay rental upon such amounts as are shown to have been paid by such receipts.

Provided, however, that this agreement shall take effect if and when and only when the following approval and consents hereto shall be duly had, to wit:

The approval of the Board of Estimate and Apportionment of The City of New York.

[May 13, 1908.]

The consents as subjoined of Rapid Transit Subway Construction Company, United States Fidelity and Guaranty Company, The Empire State Surety Company, American Surety Company of New York, National Surety Company, and Fidelity and Deposit Company of Maryland.

In witness whereof this contract has been executed for The City of New York by the Public Service Commission for the First District, under and by a resolution duly adopted by the Commission, and the seal of the Commission has been hereto affixed, and these presents signed by its Chairman and Secretary, and the said John B. McDonald has hereto set his hand and seal, and the said Interborough Rapid Transit Company has caused its corporate seal to be hereto affixed and attested by its Secretary, and these presents to be signed by its President, all on the day and year first above written.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

by

Chairman.

Attest:

Secretary.

[L. s.]

INTERBOROUGH RAPID TRANSIT COMPANY,

by

President.

Attest:

Secretary.

Approval by Corporation Counsel.

The foregoing contract is hereby approved as to form.

Dated New York, May, 1908.

Corporation Counsel.

State of New York, }
County of New York, } ss.:

On the day of May, 1908, before me personally appeared William R. Willcox and Travis H. Whitney, to me known and known to me to be the said William R. Willcox, the Chairman, and the said Travis H. Whitney, the Secretary of the Public Service Commission for the First District; and the said William R. Willcox and Travis H. Whitney being by me duly sworn, did depose and say, each for himself and not the one for the other, the said William R. Willcox, that he resides in the Borough of Manhattan, in the City, County and State of New York, that he is the chairman of the said Commission and that he subscribed his name to the foregoing Contract by virtue of the authority thereof; and the said Travis H. Whitney, that he resides in the Borough of Brooklyn, County of Kings, in the City and State of New York, that he is the Secretary of the said Commission and that he subscribed his name thereto by like authority; and both the said William R. Willcox and Travis H. Whitney that they know the seal of the said Commission and that the same was affixed to the foregoing instrument by the authority of the said Commission and of a resolution duly adopted by the same.

May 13, 1908.]

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State of New York, }
County of New York, } ss.:

On this day of May, 1908, before me personally came John B. McDonald, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same.

State of New York, }
County of New York, } ss.:

On this day of May, 1908, before me personally appeared to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of ; that he is President of the Interborough Rapid Transit Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said contract was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

The undersigned being the sureties of John B. McDonald, the contractor above mentioned, upon the continuing bond in the penalty of One Million Dollars (\$1,000,000), and the bond for construction and equipment in the penalty of Five Million Dollars (\$5,000,000), hereby consent to the making of the foregoing instrument.

Dated New York, May , 1908.

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY,

By

Attest:

UNITED STATES FIDELITY AND GUARANTY COMPANY,

By

Attest:

THE EMPIRE STATE SURETY COMPANY,

By

Attest:

AMERICAN SURETY COMPANY OF NEW YORK,

By

Attest:

NATIONAL SURETY COMPANY,

By

Attest:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND,

By

Attest:

[May 13, 1908.]

State of New York, }
County of New York, } ss.:

On this day of May, 1908, before me personally appeared to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of ; that he is of the Rapid Transit Subway Construction Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

State of New York, }
County of New York, } ss.:

On this day of May, 1908, before me personally appeared to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of ; that he is of the United States Fidelity and Guaranty Company the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

State of New York, }
County of New York, } ss.:

On this day of May, 1908, before me personally appeared to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of ; that he is of The Empire State Surety Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

State of New York, }
County of New York, } ss.:

On this day of May, 1908, before me personally appeared to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of ; that he is of the American Surety Company of New York, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

May 13, 1908.]

1022

State of New York, }
County of New York, } ss.:

On this day of May, 1908, before me personally appeared to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of ; that he is of the National Surety Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

State of , }
County of , } ss.:

On this day of May, 1908, before me personally appeared to me known, who, being by me first duly sworn, did depose and say: That he resided in , in the State of ; that he is of the Fidelity and Deposit Company of Maryland, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said company; that one of the seals affixed to said instrument was such corporate seal, and that it was affixed thereto by order of the Board of Directors of said company, and that he signed his name thereto by like authority.

The following resolution was also moved and duly seconded:

Resolved, That the Public Service Commission for the First District make requisition upon the Board of Estimate and Apportionment of The City of New York for the authorization of bonds of The City of New York to be sold by the Comptroller sufficient to meet the requirements of the agreement between The City of New York and John B. McDonald and Interborough Rapid Transit Company modifying the contract of February 21, 1900, for the construction of the Manhattan-Bronx Rapid Transit Railroad in order to provide for the adjustment of the litigation growing out of the deviation in the position of the easterly tunnel section of the Rapid Transit Railroad in Park Avenue, to wit, the sum of Two Hundred Four Thousand Eight Hundred Twenty-five and 18/100 Dollars (\$204,825.18) and that the Chairman and Secretary be authorized to execute and transmit under the seal of the Commission the communication including such requisition herewith presented.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The form of requisition to be made on the Board of Estimate and Apportionment was as follows:

To the Board of Estimate and Apportionment of The City of New York:

The Public Service Commission for the First District is advised that the Corporation Counsel has transmitted to your Honorable Board a form of agreement

modifying the contract dated the 21st day of February, 1900, between The City of New York and John B. McDonald for the construction of the Manhattan-Bronx Rapid Transit Railroad to provide for the adjustment of the litigation growing out of the deviation in the position of the easterly tunnel section of the Rapid Transit Railroad in Park Avenue in the Borough of Manhattan, and has accompanied such form of contract with a recommendation that your Honorable Board approve such adjustment. The Commission has already, upon the recommendation of the Corporation Counsel and the advice of the Counsel to the Commission, approved the proposed adjustment and believes it to be for the best interests of the City. To carry out this adjustment it will be necessary for the City to advance moneys sufficient to pay the claims involved, which amount to Two Hundred and Four Thousand Eight Hundred and Twenty-five and 18/100 Dollars (\$204,825.18), and the Commission therefore, in pursuance of Section 37 of Chapter 4 of the Laws of 1891 as amended, known as the Rapid Transit Act, and of Chapter 429 of the Laws of 1907, hereby requests the Board of Estimate and Apportionment of The City of New York to prescribe a limit to the amount of bonds available for the purpose of the said Section 37, and makes requisition upon the Board of Estimate and Apportionment of The City of New York for the authorization of bonds of The City of New York to be sold by the Comptroller thereunder sufficient to meet the requirements of the said contract of February 21, 1900, and of the said modifying agreement providing for the adjustment of the said litigation to the amount of Two Hundred and Four Thousand Eight Hundred and Twenty-five and 18/100 Dollars (\$204,825.18).'

In witness whereof, the Public Service Commission for the First District has caused this requisition to be signed by its Chairman and its official seal to be hereto affixed and attested by its Secretary this day of May, 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

By.....

Chairman.

Attest:

.....

Secretary.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

FRIDAY, MAY 15, 1908.
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for Dec. 2, Dec. 4, 1907, and May 8 and May 12, 1908, at printed in the CITY RECORD for May 13, May 14, May 12 and May 15, 1908, respectively, was approved.

(2)

1050

The Secretary stated that the Chairman had sent the following letter in reply to a communication from Mayor McClellan, Mayor of the City of New York, dated May 13th, requesting the Commission to suspend all work excepting excavation on that portion of the Brooklyn Loop Lines affected by the erection of the proposed Municipal Office Building:

May 14th, 1908.

Hon. GEORGE B. McCLELLAN, Mayor of The City of New York:

SIR—In accordance with the request contained in your letter of the 12th inst. the Commission has ordered the contractor building that portion of the Brooklyn Loop Lines that will be affected by the erection of the proposed Municipal Office Building to suspend work on that part of the line. As it is probable that the contractor in view of the bonus provisions in his contract will claim damages for the delay, the Commission respectfully requests that the City's Engineers be directed to expedite as much as possible the settlement of the plans for the station portion of the new building.

Respectfully yours,

(Signed) WM. R. WILLCOX, Chairman.

(36)

[Form 2043]

[1M(B)]

May 15, 1908.]

1026

and that in reply the following letter had been received:

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
May 14, 1908.

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District, 154 Nassau Street, City:

DEAR SIR—I beg to acknowledge the receipt of your letter dated May 14, and to thank you for the prompt attention given to my request.

I shall have the matter of the new Municipal Building foundation taken up by the City engineers at once, and everything done to expedite matters.

Very truly yours,

(Signed) GEO. B. MCCLELLAN, Mayor.

The papers were ordered filed.

(3)

HEARING ORDER (No. 492).

O-492

On motion by Commissioner McCarroll, duly seconded, a Hearing Order (No. 492) was adopted, directing a hearing on May 25th at 10:30 A. M. to inquire:

(1) Whether the Staten Island Rapid Transit Company should remove its freight business now being conducted at the freight yard just east of Bay Street and opposite Townsend Avenue, Clifton, to the yard located east of Bay Street and about 150 feet north of Vanderbilt Avenue and extending therefrom north about 575 feet;

(2) Whether said Company should discontinue the movement of the locomotives from the locomotive storage yard opposite Simonson Avenue, Clifton, into and out of service across Bay Street as far as it may be practicable to do so, by introducing said locomotives into service from the northern end of the yard;

(3) Whether said Company should make such other changes in the arrangement of freight yards and in the switching of locomotives as may be necessary to prevent or reduce to a minimum the use of the railroad tracks across Bay street for the switching of locomotives and freight cars in or near the Clifton freight yard.

(4)

COMPLAINT ORDER (No. 493).

O-493

On motion by Commissioner Bassett, duly seconded, a Complaint Order (No. 493) was adopted for satisfaction or answer within ten days by the Brooklyn, Queens County and Suburban Railroad Company in the matter of the complaint of F. A. Joy, Esq., with respect to the service of the Broadway line between Alabama avenue and Cypress Hills.

(5)

FINAL ORDER (No. 494).

O-494

On motion by Commissioner Eustis, duly seconded, a Final Order (No. 494) was adopted directing the Interborough Rapid Transit Company (1) to extend the overhanging gallery or transverse passageway now existing at the 92nd Street station upon

its Second Avenue Elevated road farther to the East than at present to such an extent and in such manner as to form a counterpart of the underhanging gallery or transverse passageway now existing at said station, and to permit the construction of a stairway therefrom to the walk on the easterly side of Second Avenue, which stairway shall be at least as wide as the stairway now existing on the westerly side of said Avenue and in such manner that said underhanging gallery or transverse passageway will afford access to and exit from the main stairway at said station extending from said underhanging gallery or transverse passageway to the train platform.

(2) To construct a stairway from the easterly end of said underhanging gallery or transverse passageway when the same shall have been extended as aforesaid, to the sidewalk on the easterly side of Second Avenue in such manner that such stairway will be at least as wide as the stairway now existing on the westerly side of said Avenue;

(3) To increase the width of the main stairway leading from said underhanging gallery or transverse passageway to the train platform at said station so that the same shall not be less than seven feet wide;

And directing that the improvements above mentioned be completed not later than the 1st day of September, 1908.

(6)

HEARING ORDER (No. 495).

O-495

On motion by Commissioner Eustis, duly seconded, a Hearing Order (No. 495) was adopted directing a hearing on May 25th at 3:30 p. m. to inquire whether the Interborough Rapid Transit Company should be directed to erect two additional station signs at each station upon the elevated roads operated by it to indicate the streets where said stations are located.

(7)

EXTENSION ORDER (No. 496).

O-496

On motion by Commissioner McCarroll, duly seconded, an Extension Order (No. 496) was adopted, extending to June 6th, 1908, the time of the Staten Island Midland Railway Company within which to comply with Section (3) (p), of Final Order No. 378, with respect to the equipping of all cars with sand box outfits.

(8)

HEARING ORDER (No. 497).

O-497

On motion by Commissioner Maltbie, duly seconded, a Hearing Order (No. 497) was adopted, directing a hearing on May 22nd at 4:00 P. M. in the matter of the complaint of M. Burr Wright against the 42nd Street, Manhattanville & St. Nicholas Avenue, Railroad Company with respect to the unsanitary condition of the 42nd Street Crosstown Line.

May 15, 1908.]

1028

(9)

FINAL ORDER (No. 498).

O-498

On motion by Commissioner Eustis, duly seconded, a Final Order (No. 498) was adopted in the matter of the complaint of the Board of Aldermen against the Interborough Rapid Transit Company directing the said Company to construct an additional stairway leading from 89th Street to the 89th Street uptown Elevated Railroad station on the Third Avenue Elevated Road; that the plans and specifications of such additional stairway be submitted to the Public Service Commission for approval; that the construction of said additional stairway be completed not later than August 18th, 1908.

(10)

DISMISSAL ORDER (No. 499).

O-499

On motion by Commissioner Eustis, duly seconded, a Dismissal Order (No. 499) was adopted, dismissing the complaint of the East Side Property Owners' Association with respect to the removal of the Rivington Street Station upon the Second Avenue Elevated Road of the Interborough Rapid Transit Company from Rivington Street to Delancey Street.

(11)

FINAL ORDER (No. 500).

O-500

On motion by Commissioner Bassett, duly seconded, a Final Order (No. 500) was adopted

(1) directing the New York and Queens County Railway Company to increase its service upon the Calvary Cemetery Line daily except Sunday by operating over said line between 34th Street Ferry and Metropolitan Avenue leaving 34th Street for Metropolitan Avenue between the hours of 7:10 P. M. and 11:10 P. M. at least three (3) cars per hour, or one car in each twenty (20) minute interval, instead of two (2) cars per hour, or one car in each thirty (30) minute interval.

(2) directing said Company to operate during other hours than those above specified, not less than the number of cars specified in its schedule of January 11th, 1908;

(3) directing that said Company operate daily except Sunday upon said Calvary Cemetery Line between 34th Street Ferry and Metropolitan Avenue leaving 34th Street Ferry for Metropolitan Avenue between the hours of 8:40 A. M. and 4:40 P. M., no cars having a seating capacity of less than thirty-eight passengers.

(4) and directing that requirements of this order shall be complied with by said Company within ten days after service.

(12)

3357

The Secretary presented a communication, dated May 12, 1908, from the Chief Engineer stating that it was his purpose to confer with the architects of the Brooklyn Academy of Music in regard to any effect upon it of the subway when making detail plans of the work. The communication was ordered filed.

(13)

2137

The Secretary presented the following summary of reports of accidents for the month of April, which was ordered filed:

Car collisions	138
Persons and vehicles struck by cars.....	929
Boarding	562
Alighting	544
Contact with electricity	36
Other accidents	2,498
Total.....	<u>4,707</u>

Of the above, the injuries were classified as follows:

Passengers	1,671
Persons not passengers.....	662
Employees	503
Total.....	<u>2,836</u>

Of the above injuries, the following were serious:

Killed	39
Fractured skulls	24
Amputated limbs	5
Broken limbs	30
Other serious	102
Total.....	<u>191</u>

(14)

2093

The Secretary presented the following requisition of the Cranford Company, together with the certificate of the Chief Engineer approving same, and voucher No. 1083, as approved by the Committee on Audit:

CRANFORD CO.,
OFFICE OF THE CONTRACTOR, 190 MONTAGUE STREET, BROOKLYN, N.Y., }
New York, April 30th, 1908.

Requisition No. 9—For work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of the City of New York, to 30th day of April, 1908, as follows:

	For Month.	Total.
Total to date relating to the Contract value of the whole work.....	\$113,188.10	\$491,124.00
Amount previously estimated.....		377,935.90

May 15, 1908.]

1030

	For Month.	Total.
Amount of present estimate.....	113,188.10	113,188.10
Deduct 10 per cent.....	11,318.81	11,318.81
Requisition for amount due for work done and materials furnished during the month.....	\$101,869.29	\$101,869.29

CRANFORD COMPANY, Contractor,
(Signed) per A. G. UNDERWOOD, Secy.

Certificate No. 9—I hereby certify that the work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of the City of New York, for which Requisition No. 2 of date April 30, 1908, is made by Cranford Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of One Hundred and One Thousand, Eight Hundred Sixty-nine and 29/100 Dollars, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Cranford Company has made requisition on this Commission, numbered No. 9, and dated April 30, 1908, for work done and materials furnished under contract dated May 27, 1907, for the construction of the Rapid Transit Railroad of the City of New York to the 30th day of April, 1908, amounting to (\$101,869.29) One Hundred One Thousand, Eight Hundred Sixty-nine and 29/100 Dollars, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(15)

1051

EAST RIVER TERMINAL RAILROAD COMPANY—APPLICATION.

The Secretary presented the following application for a certificate of approval to operate a railroad in Brooklyn, and petition for approval of an issue of stock to the amount of \$10,000.00, of the East River Terminal Railroad Company, which were referred to Commissioner Bassett:

Before the Public Service Commission of the State of New York, First District.

In the Matter

of

The application of East River Terminal Railroad for a franchise to operate a railroad in the Borough of Brooklyn, and to lay down and maintain tracks in connection therewith on North Fourth Street, Kent Avenue and Wythe Avenue in said Borough, and to obtain a certificate of necessity therefor under Section 53 of the Public Service Commission Law.

To the Honorable the Public Service Commission of the First District:

The petition of the East River Terminal Railroad respectfully shows to your Honorable Board:—

I. That your petitioner is a corporation duly organized under and by virtue of the laws of this State as a railroad corporation for the transportation and carriage of freight exclusively, with an office and principal place of business located at No. 113 Wall Street, in the Borough of Manhattan, City of New York, and that William Butler Duncan, Jr., of Port Washington, New York, is the President, and John McCafferty of the Borough of Brooklyn, is the Secretary thereof.

II. That said company was duly incorporated as a street surface railroad, and articles of incorporation of said company were duly filed in the office of the Secretary of State of the State of New York, on the 19th day of November, 1907, and in the office of the County Clerk of Kings County on the 26th day of November, 1907.

III. That no statements have at any time been filed with reference to procuring extensions, nor have any such extensions ever been authorized to be constructed by this Company.

IV. That heretofore and on the 24th day of January, 1908, your petitioner made application to the Board of Estimate and Apportionment of the City of New York, for a franchise to lay down and maintain tracks in the hereinafter named streets, and for a franchise to operate a street surface railroad thereon, in the Borough of Brooklyn, City of New York, which application was referred to the chief engineer of said Board, and is held in abeyance pending the granting of an application for a certificate of necessity under Section 53 of the Public Utility Laws.

V. That said surface railroad is to be operated within the Borough of Brooklyn, City of New York, on and along North Fourth Street and across Kent Avenue

and Wythe Avenue in said Borough, the road so to be operated along North Fourth Street to be a single track road entering upon said highway at the southeast corner of Kent Avenue and North Fourth Street, and running thence easterly along said North Fourth Street about three hundred (300) feet to a point about midway between Kent Avenue and Wythe Avenue, and across the sidewalk of said North Fourth Street into terminal premises, the property of the firm of Havemeyers and Elder, the Western termini of said track being on the easterly side of the East River at a point between North Third and North Fourth Streets, and the Eastern termini to be at the hereinbefore mentioned point on North Fourth Street midway between Kent Avenue and Wythe Avenue. Also for a franchise for a railroad for freight purposes exclusively across Kent Avenue, a public highway, between North Third and North Fourth Streets in the Borough of Brooklyn, City of New York, from the westerly side or house line thereof to the Easterly side or house line thereof, which shall consist of six tracks; and also a franchise for a railway on Wythe Avenue, a public highway, in the said Borough and City, between North Third and North Fourth Streets from the westerly side or house line thereof to the easterly side or house line thereof, which shall consist of three tracks, and for all of said purposes to lay down and maintain tracks of regulation or conventional width. A map of said streets with the tracks as proposed to be laid down and maintained thereon is hereto annexed and made a part of this petition and referred to as "Plans showing proposed tracks on North Fourth Street, Kent Avenue and Wythe Avenue, Borough of Brooklyn, New York City, dated, April 27th, 1908, to accompany application of the East River Terminal Railroad to the Public Service Commission."

VI. That the consent of all the abutting property owners has been obtained and recorded in the office of the Register of the County of Kings, on the 6th day of May, 1908.

VII. That no previous application has been made for a certificate of public convenience and necessity for any purpose by said corporation, and no franchise by this Company has heretofore been exercised for the reason that it was incorporated on November 19th, 1907.

VIII. That your petitioner is desirous of establishing and maintaining large freight terminals or stations in the Borough of Brooklyn, City of New York, where all classes of freight may be shipped and received by the public, and delivered to and received from the trunk lines traversing the United States and Canada, which said freight terminals or stations when established will connect with and be used in conjunction with the freight terminal stations already established in the same locality of the New York Central and Hudson River Railroad, West Shore Railroad, Vermont Central Railroad, Lehigh Valley Railroad, Erie Lines, Central Railroad of New Jersey, Grand Trunk Lines and other railroad and transportation companies.

IX. That public convenience and necessity requires the granting of leave to install the tracks as hereinbefore set forth.

X. Said terminals or freight stations are to be for the use of the public for the shipment, receipt and distribution of all classes of freight, and are designed to relieve conditions in the Eastern District or Williamsburgh section of the Borough of Brooklyn, which has grown almost unprecedentedly in an industrial way in the last seven years, and has increased almost a quarter of a million in population in the same time, while the facilities for the handling of freight are practically as they were twenty-five years ago, and therefore totally inadequate to respond to present requirements. Numerous large industries have recently located their manufactories in this section, with the result that the present facilities are unequal to the large volume of freight being shipped, received and distributed there, and in order to meet the imperative needs of the locality, your petitioner proposes to establish and maintain the aforesaid terminals, and in order to render a plan of operation which will admit of the receipt and distribution of freight directly to and from the cars upon said premises affected, it will be necessary to haul the cars from the point of delivery from the floats upon which they are ferried to Brooklyn, from the termini of the various trunk lines, which point of delivery is on the East River water front between North Third and North Fourth Streets in said Borough, and that your petitioner is desirous of presenting the reasons why public convenience and necessity requires that these railroads should be installed.

XI. That no commission has been appointed pursuant to Section 94 of the Railroad Law, and consequently no report has been made thereunder.

Wherefore, your petitioner prays that the Commission shall fix a time and place for a hearing upon this application, giving your petitioner notice thereof.

Dated April 30th, 1908.

EAST RIVER TERMINAL RAILROAD.

(Signed) By W. B. DUNCAN, JR., President.

City and State of New York, }
County of New York, } ss.:
Borough of Manhattan, }

William Butler Duncan, Jr., being duly sworn, says:

That he is President of the East River Terminal Railroad, the petitioner above-named, a domestic corporation, and that he has read and knows the contents of the foregoing petition, and that the same is true to his own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

W. B. DUNCAN, JR.

Sworn to before me this 30th day of April, 1908.

J. H. McCafferty, Notary Public, Kings County.

Certificate filed in New York County.

Before the Public Service Commission of the State of New York, First District.

In the Matter
of

The application of East River Terminal
Railroad for procuring the approval of
issues of stock, bonds and other forms
of indebtedness by the Public Service
Commission.

To the Honorable the Public Service Commission of the First District:

The petition of the East River Terminal Railroad respectfully shows to your
Honorable Board:

I. That your petitioner is a corporation duly organized under and by virtue of the Laws of this State as a railroad corporation for the transportation and carriage of freight exclusively, with an office and principal place of business located at No. 113 Wall Street, in the Borough of Manhattan, City of New York, and that William Butler Duncan, Jr., of Fort Washington, New York, is the President, and John McCafferty of the Borough of Brooklyn, is the Secretary thereof.

II. That said Company was duly incorporated as a street surface railroad, and articles of incorporation of said Company were duly filed in the office of the Secretary of State of the State of New York, on the 19th day of November, 1907, and in the office of the County Clerk of Kings County on the 26th day of November, 1907.

III. That the incorporation of said Company was for the sum of Ten thousand (\$10,000) dollars, all of which sum was actually paid in in cash.

IV. That heretofore and on or about the 24th day of January, 1908, your petitioner applied for a franchise for a street surface railroad to the Board of Estimate and Apportionment of the City of New York, the said Board being the local authority under Chapter 629 of the Laws of 1905, in whom the power resides in the City of New York to grant the same, and that said surface railway was to be operated wholly within said City, to wit, in the Borough of Brooklyn, City of New York, and County of Kings, and was to consist of seven tracks across Kent Avenue between North Third and North Fourth Streets, from the Westerly side or house line thereof across said Kent Avenue to the Easterly side or house line thereof, and also a single track surface railway from the southeast corner of Kent Avenue and North Fourth Street; running thence easterly about three hundred (300) feet to a point about midway between Kent Avenue and Wythe Avenue in said Borough; and also a street surface railway on Wythe Avenue, a public highway, in said Borough and City, between North Third and North Fourth Streets from the Westerly side or house line thereof to the Easterly side or house line thereof to the terminal premises, now the property of the firm of Havemeyers and Elder, said road to be used exclusively for freight purposes, and to be used in conjunction with freight terminals already established and to be established, in which all classes of merchandise and freight will be received and distributed in connection with the various trunk lines operating throughout the United States and Canada

V. That it is the intention of the said Company, upon procuring a certificate of your Honorable Board that public convenience and necessity requires the construction and maintenance of said tracks, to expend the full amount of said capital, to wit, Ten thousand (\$10,000) dollars, in the construction of said railroad, and it desires to issue stock to the amount of said capital to be apportioned among its stockholders on the basis of shares of one hundred each for each One hundred (\$100) dollars of capital contributed, and to sell the same for not less than the par value thereof, and to that end in compliance with Section 55 of the Public Service Commission Law, it desires to procure the consent of your Honorable Board for the issuance of said stock to the total amount thereof upon the hereinbefore mentioned basis or proportion.

Wherefore, your petitioner prays that a hearing may be accorded to it, whereby it may show cause for the issuance of said stock, and why the said permission should be granted.

Dated, April 30, 1908.

EAST RIVER TERMINAL RAILROAD,

(Signed) By W. B. DUNCAN, JR., President.

City and State of New York, }
County of New York, } ss.:
Borough of Manhattan, }

William Butler Duncan, Jr., being duly sworn, says:

That he is President of the East River Terminal Railroad, the petitioner above-named, a domestic corporation, and that he has read and knows the contents of the foregoing petition, and that the same is true to his own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

(Signed) W. B. DUNCAN, JR.

Sworn to before me this 30th day of April, 1908.

J. H. McCafferty,

Notary Public Kings County, Certificate filed in New York County.

(16)

C-1951

The Secretary presented a communication, dated May 12, 1908, from the District Counsel of United Housesmiths and Bridgemen of New York, transmitting copy of a resolution adopted by the Central Federated Union on May 10, 1908, as to the New York and Port Chester Railroad Company, which was ordered filed.

(17)

3338

The Secretary presented a communication, dated May 8, 1908, from John M. Cragen, Secretary of the Borough of Queens, transmitting a report from the Engineer of the Bureau of Highways of that Borough, relative to the construction of a street along the westerly side of the Long Island Railroad between Penny Bridge and Maspeth. The communication was ordered filed.

(18)

O-448

The Secretary presented a communication dated May 13, 1908, from Conway & Williams, attorneys, 15 William Street, Manhattan, urging in behalf of their clients, Sarah E. Williams and Maude Allis Conway, that no station be located on the proposed Lexington Avenue route between 37th and 38th Streets, on account of the depreciation that would be caused thereby to land values in that vicinity. The communication was ordered filed.

(19)

On motion duly seconded it was

Resolved, That Henry B. Hasselberg, Jr., be appointed from the Civil Service list as Junior Bridge Draughtsman at a salary of \$75 per month, to take effect as of May 13, 1908.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(20)

On motion, duly seconded, it was

Resolved, That the following provisional appointments be made:

Name.	Position.	Salary.	To Take Effect.
Charles N. Kent.....	Architectural Draughtsman.....	\$110 per month	May 14, 1908
John Malcolm Angus.....	Structural Draughtsman.....	\$125 per month	May 18, 1908
Alvin P. Long.....	Structural Draughtsman.....	\$125 per month	May 19, 1908
Arthur C. Schanz.....	Junior Structural Draughtsman....	\$75 per month	May 22, 1908
Francis E. Hilton.....	Junior Engineering Draughtsman..	\$75 per month	June 1, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

2919

The Secretary presented a communication, dated May 14, 1908, from Joseph Haag, Secretary of the Board of Estimate and Apportionment, transmitting a certified copy of a resolution approving the modification of the Lexington Avenue route to avoid Grace Church, which had been submitted to them by the Commission on April 30, 1908. The communication and resolution were ordered filed.

(22)

2111

The Secretary presented a communication, dated May 14, 1908, from the Counsel and the Chief Engineer to the Commission, recommending in the matter of the request

of the Rapid Transit Subway Construction Company for the return to it of the sum of one million dollars deposited by it with the Comptroller as security for the construction of the Brooklyn-Manhattan rapid transit railroad, that before complying with such request letters be sent to the Comptroller and the Corporation Counsel of the City of New York asking for advice as to what, if any, claims may have been filed against the City or the contractor in connection with the construction of the subway. It was ordered that letters be sent as recommended.

(23)

The Secretary presented the following vouchers, the bills of which had been duly approved by Chairman Willcox, as Committee on Audit for the month of May, whereupon, on motion duly seconded, it was

Resolved, That the vouchers enumerated below be approved by this Commission and forwarded to the Comptroller of The City of New York for payment:

Voucher No.	In Favor of	Services or Material	Amount
1062	Chambers Printing Co.....	Printing, etc., Bills Mar. 30, Apr. 6 (2), 8, 14, 15, 21, 30 (2), 1908.....	\$342.50
1063	Dixie Book Shop.....	Library Books, Bill Apr. 25, 1908.....	10.50
1064	R. L. Fox.....	Furnishing copies of Legislative bills and information relating to the same, Bill May 1, 1908....	250.00
1065	Keuffel & Esser Co.....	Engineering supplies, Bills Mar. 18, 27, 31, Apr. 2, 4 (2), 6, 7, 8, 10 (2), 13, 20 (2), 22, 27, 28, 29 (3), 30, 1908.....	333.01
1066	James H. Millard.....	Furnishing sets Senate and Assembly Bills, Bill Apr. 23, 1908.....	20.00
1067	August Muller	Janitor service, Month April, Bill May 1, 1908...	8.00
1068	New York Transportation Co.	Livery Service, Bill April 24, 1908.....	24.00
1069	The New York & New Jersey Telephone Co.....	Telephone Service Jan. 1 to Mar. 31, 1908, at 317 Furman St. and Feb. 1 to Mar. 31, 1908 at 4 Court Square, Bklyn, Bills Feb. 29, Mar. 31 (2), 1908.....	80.00
1070	The Penn Electric Co.....	Blue Prints, Bill Mar. 31, 1908.....	5.87
1071	Francis H. and Angeline W. Robinson	Rent 120 Liberty St., Months of March & April, 1908, Bills Mar. 1, April 1, 1908.....	441.68
1072	John Schroder.....	Janitor service, Month of April, 1908, Bill May 1, 1908.....	15.00
1073	The Schapirograph Co.....	Stationery supplies, Bills Nov. 30, 1907, Apr. 14, 1908.....	12.50
1074	G. E. Stechert & Co.....	Books & Periodicals, Bills Apr. 6, 15 (2), 21 (2), May 4, 1908.....	66.31
1075	Tower Manufacturing & Novelty Co.....	Stationery supplies, Bills Feb. 1, Mar. 3, 9, 16, Apr. 2, 7, 8, 11, 13, 29, 1908.....	421.65
1076	Benj. H. Tyrrell.....	Printing briefs, bill April 23, 1908.....	175.00
1077	Underwood Typewriter Company	Typewriter heads and supplies, Bills Mar. 30, Apr. 21, 28, 1908.....	364.00
1078	P. W. Vallyely.....	Furniture and repairs, Bill Apr. 20, 1908.....	51.10
1079	Josef B. Wilson.....	Janitor Service March & April, 1908, Bills Mar. 15, April 1, 1908.....	9.00
Total.....			\$2,630.12

May 15, 1908.]

1038

The following payrolls were approved by Commissioner McCarroll as Acting Chairman during the week:

Voucher No.	In Favor of	Services or Material	Amount
1058	Bureau of Statistics & Accounts	Supplementary Roll, Month ending Apr. 30, 1908.	\$35.00
1059	Bureau of Subway Construction	Supplementary Roll, Month ending Apr. 30, 1908.	419.17
1060	Gas Meter Testers.....	Week ending May 6, 1908.....	72.00
1061	Inspectors of Masonry.....	Week ending May 6, 1908.....	1,447.43

The following payrolls were approved by Chairman Willcox:

1080	Bureau of Subway Construction	Supplementary Roll No. 2, month ending April 30, 1908.....	33.34
1081	Inspectors of Masonry.....	Week ending May 13, 1908.....	1,327.79
1082	Gas Meter Testers.....	Week ending May 13, 1908.....	70.50
Total.....			\$3,405.23

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, MAY 19, 1908.

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Commissioner John E. Eustis, Acting Chairman, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie.

(1)

The Chairman was excused on account of absence on business of the Commission, and on motion, duly seconded, Commissioner Eustis was elected Acting Chairman.

(2)

On motion, the record of the proceedings of the Commission for Dec. 6 and 9, 1907, and May 13, 1908, as printed in the CITY RECORD for May 16, 18, and 19, 1908, respectively, was approved.

(3)

CONTRACT No. 1.—PARK AVENUE DEVIATION.

3200

The Secretary presented the following letter from Joseph Haag, Secretary of the Board of Estimate and Apportionment, which was ordered filed:

BOARD OF ESTIMATE AND APPORTIONMENT, }
277 BROADWAY,
May 15, 1908. }

Hon. W. R. Willcox, Chairman, Public Service Commission for the First District:

SIR—I transmit herewith certified copy of resolution this day adopted by the Board of Estimate and Apportionment, consenting to and approving of the making of an agreement by and between the City of New York, acting by the Public Service Commission for the First District, and John B. McDonald and the Interborough Rapid Transit Company, whereby in consideration of the City paying certain damages arising from a change of route of the Rapid Transit Railway under Park Avenue, between 34th and 42nd Streets, Borough of Manhattan, the Interborough Rapid Transit Company agrees to consider the amount so paid as part of the cost of the construction of such railway, and agrees to pay interest thereon at the rate of four per cent., subject to the rental provisions of the contract.

May 19, 1908.]

1040

This action was taken in accordance with opinion dated April 28, 1908, from the Corporation Counsel, which was presented to the Board at its meeting of May 1, 1908.

Respectfully,

(Signed) JOSEPH HAAG, Secretary.

(4)

C-1920

The Secretary stated that the following letter had been sent by the Chairman to the Board of Aldermen:

May 18, 1908.

To the Honorable the Board of Aldermen of The City of New York:

SIRS—The Public Service Commission for the First District is in receipt of a copy of the following resolution adopted by your Honorable Body on April 28, 1908:

"Whereas, The condition of the streets between and surrounding the tracks on Water Street, from Fulton street to Washington street, Borough of Brooklyn, and also Front street, from Fulton street to Adams street, Borough of Brooklyn, and which are dangerous for vehicles to travel through;

Whereas, The railroad companies have long neglected making repairs on these streets, as required by law, be it

Resolved, That the Board of Aldermen do hereby request the Public Service Commission to notify the railroad companies operating on above named streets that said railroad companies be instructed to make the necessary repairs immediately between the tracks, as required by law."

The Commission is advised by Counsel that upon the facts stated in the resolution and under Section 98 of the Railroad Law and Sections 45 and 383 of the Greater New York Charter, the duty of requiring these street railroad corporations to repair that portion of the streets used by them between their tracks, the rails of their tracks and two feet in width outside of their tracks, rests with the President of the Borough of Brooklyn, and that it would be better to withhold any order of the Commission until the President of the Borough of Brooklyn has exercised his authority by requiring the repairs to be made in such manner as he may prescribe. If the companies fail to comply, the Commission may then take necessary action.

Section 98 of the Railroad Law referred to above provides as follows:

"Every street surface railroad corporation so long as it shall continue to use any of its tracks in any street . . . shall have and keep in permanent repair that portion of such street . . . between its tracks, the rails of its tracks, and two feet in width outside of its tracks, *under the supervision of the proper local authorities*, and whenever required by them to do so, and in such manner as they may prescribe."

Section 383 of the Greater New York Charter provides that the Borough President is the proper local authority referred to in said section 98 of the Railroad Law.

Very truly yours,

(Signed) WM. R. WILLCOX, Chairman.

(5)

1050

The Secretary presented a communication, dated May 15, 1908, from Henry B. Seaman, Chief Engineer, stating that he had instructed the contractors to stop further work, except excavation, on the Chambers Street station of the Brooklyn Loop. The letter was ordered filed, and on motion, duly seconded, it was

Resolved, That the action of the Chief Engineer, as stated in the above-mentioned letter, be approved.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(6)

The Secretary presented a communication, dated May 13, 1908, from Henry B. Seaman, Chief Engineer, transmitting for execution by the Commission a renewal of the lease of the front store on the second floor of the building at No. 323 Schermerhorn Street, Brooklyn, which had been and were to be used as a sub-office of the Fifth Division, the terms of the renewal providing for quarterly payments at the monthly rate of \$32.00, with the privilege of termination by either party at the end of any quarterly period, on a month's notice. On motion, duly seconded, it was thereupon

Resolved, That the above-mentioned renewal of lease be approved by the Commission, and that the Chairman be authorized to sign the same.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(7)

The Secretary presented a communication, dated May 16, 1908, from Henry B. Seaman, Chief Engineer, transmitting for execution by the Commission a renewal of the lease of rooms 56, 59, 60, 64, 65, 66, and 67 on the seventh floor of the Thomas Jefferson building situated at Nos. 4 and 5 Court Square, Brooklyn, which had been and were to be used as the offices of the Fifth Division, the terms of the renewal providing for quarterly payments at the annual rate of \$1056.00, with the privilege of renewal at the expiration of one year from May first, 1908. On motion, duly seconded, it was thereupon

Resolved, That the above-mentioned renewal of lease be approved by the Commission, and that the Chairman be authorized to sign the same.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

Chairman Willcox entered the meeting at this point.

(8)

O-501

The Secretary presented the following petition and supplementary petition of the Manhattan Railway Company for leave to issue bonds:

In the Matter
of

The petition of the Manhattan Railway Company for leave to issue bonds to the amount of \$10,818,000, pursuant to the terms and provisions of its Consolidated Mortgage, dated February 26th, 1890.

To the Public Service Commission for the First District:

I. The petition of the Manhattan Railway Company respectfully shows that your petitioner is a rapid transit railway corporation, duly incorporated, organized and existing under and by virtue of the provisions of Chapter 606 of the Laws of 1875, known as the Rapid Transit Act of 1875, and the acts amendatory thereof and supplementary thereto, as appears from the volume known as Statutes and Documents Affecting the Elevated Railways in the City of New York, heretofore duly filed with this Commission on the 13th day of January, 1908.

That your petitioner constructed, maintained, acquired by lease and merger and otherwise, and operated elevated railways in the County of New York, from about the year 1879 down to April 1st, 1903, when it leased its property to the Interborough Rapid Transit Company by indenture of lease, dated January 1st, 1903, and recorded in the Register's Office of the County of New York, on April 1st, 1903, in Liber 2, page 35 of General Conveyances, and filed in the Office of the Secretary of State on April 4th, 1903, a copy of which was filed with this Commission on the 13th day of January, 1908.

That since said April 1st, 1903, said railways have been operated by said lessee.

That your petitioner is still the owner of its said property, subject to said last mentioned lease.

That a portion of said elevated railway system of your petitioner was acquired by lease dated May 20th, 1879, from the Metropolitan Elevated Railway Company, a corporation duly incorporated, organized and existing under and by virtue of acts of the Legislature of the State of New York, as appears in the volume of Statutes and Documents filed as above mentioned.

II. Your petitioner further shows that on February 26th, 1890, together with said Metropolitan Elevated Railway Company, it duly executed and delivered to the Central Trust Company of New York, as Trustee, a Consolidated Mortgage, a copy of which is herewith submitted and filed.

That said Consolidated Mortgage was executed pursuant to authorization of the stockholders of said mortgagors, as appears by the proof of consent of stockholders, also herewith submitted and filed.

That the bonds to be secured by said Consolidated Mortgage were, as therein provided, to be executed by the officers, for the time being, of the Manhattan Rail-

way Company and to be certified by the Trustee, at the request of said Manhattan Railway Company, as and when needed for use in the manner provided in said Mortgage.

That said Consolidated Mortgage was executed for the purpose, among other things, of taking up "by exchange or otherwise" \$10,818,000 of the "then outstanding First Mortgage Bonds of the Metropolitan Elevated Railway Company."

That said \$10,818,000 First Mortgage Bonds of the Metropolitan Elevated Railway Company were issued under the First Mortgage of said Company on the 10th day of July, 1878, and will mature on the 1st day of July, 1908.

That pursuant to the terms of said Consolidated Mortgage (Paragraph Sixth), various amounts of the bonds thereby secured have from time to time been executed, certified and issued, and the avails thereof applied in accordance with the terms of said Mortgage, to wit: In 1895, "\$8,925,000 * * * to take up by exchange or otherwise the outstanding First Mortgage Bonds of The New York Elevated Railroad Company"; in 1899, "\$4,000,000 * * * to take up by exchange or otherwise the * * * outstanding Second Mortgage Bonds of the Metropolitan Elevated Railway Company"; in 1892, "\$1,905,000 * * * to take up by exchange or otherwise the * * * outstanding registered bond certificates of the Manhattan Railway Company."

III. Your petitioner further shows that prior to the 7th day of May, 1894, it took a surrender or transfer of the entire capital stock of the Metropolitan Elevated Railway Company and duly filed a certificate to that effect in the office of the Secretary of State on said 7th day of May, 1894, a copy of which was heretofore filed with this Commission on the 13th day of January, 1908.

IV. Your petitioner further shows that on or about the 13th day of June, 1899, an indenture supplemental to said Consolidated Mortgage of February 26, 1890, was entered into between the Manhattan Railway Company and the Central Trust Company of New York, as Trustee, for the purpose of allowing the bonds issued under said Consolidated Mortgage to be, at the option of the holder thereof, registered both as to principal and interest; said indenture being duly recorded in the office of the Clerk of the County of New York on July 12, 1899, in Liber 7 of General Mortgages, page 265, a copy of said indenture being herewith submitted and filed.

V. Your petitioner further shows that no part of said \$10,818,000 of the First Mortgage Bonds of the Metropolitan Elevated Railway Company has been paid, and that the entire amount thereof will mature and become payable on the 1st day of July, 1908.

VI. Your petitioner further shows that in order to meet and pay said First Mortgage Metropolitan bonds falling due as aforesaid, it will be necessary for it to issue bonds to the amount of \$10,818,000 under and as provided in its said Consol-

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idated Mortgage, and to exercise its rights, as secured to it by said Mortgage, to have said bonds certified and delivered to it by the said Trustee.

VII. The financial condition of your petitioner is as follows:

MANHATTAN RAILWAY COMPANY.

General Balance Sheet March 31, 1908.

Assets.

Cost of Road and Equipment.....	\$92,508,212.93
Cost of Leases.....	14,014,000.00
Real Estate	2,776,724.64
Interborough Rapid Transit Co., Lease account.....	377,322.73
Treasury Stock	43,435.94
Central Trust Co. Trustee, Etc.....	1,510.76
Current Assets	386,671.52
Total	\$110,107,878.52

Liabilities.

Consolidated Capital Stock.....	\$60,000,000.00
Funded Debt	39,567,000.00
Premium on Capital Stock.....	1,809,382.06
Convertible Bond Certificates.....	17,000.00
Bonds and Mortgages.....	74,000.00
Taxes in Litigation.....	19,866.03
Interborough Rapid Transit Co.....	336,814.44
Current Liabilities	1,370.05
Profit and Loss Surplus.....	8,282,445.94
Total	\$110,107,878.52

INTERBOROUGH RAPID TRANSIT COMPANY.

Statement of Operations of the Manhattan Railway Division for the Year Ended
March 31st, 1908.

Earnings from Operation.....	\$14,254,322.00
Operating Expenses	6,182,366.00
Expenses to Earnings	(43.37%)
Net Earnings	\$8,071,956.00
Other Income	462,173.00
Gross Income	\$8,534,129.00
Interest on Bonds.....	\$1,809,680.00
Rental	10,000.00

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Taxes on Real Estate.....	115,400.00
“ on Capital and Earnings.....	201,165.00
“ on Structure and Personal.....	1,187,567.00
Total Interest and Taxes.....	<u>\$3,323,812.00</u>
Net Income.....	\$5,210,317.00
Man. Guarantee (7% per annum).....	<u>4,200,000.00</u>
Surplus	<u>\$1,010,317.00</u>
Passengers Carried	287,216,689

VIII. Your petitioner states that the use to which the capital secured by the issue of said bonds is to be put is the use provided for under the terms of said mortgage, viz.: to provide funds to take up and retire said \$10,818,000 of the said outstanding First Mortgage bonds of the Metropolitan Elevated Railway Company.

IX. Your petitioner further states that no contract has yet been made for the sale of said bonds, which it is proposed to issue.

Your petitioner, therefore, PRAYS for an order of the Commission authorizing the immediate issue of said \$10,818,000 of bonds under and pursuant to its said Consolidated Mortgage, dated February 26th, 1890, and stating that in the opinion of the Commission the use of the capital to be secured by the issue of such bonds is required for the purposes of the corporation for the discharge or lawful refunding of its obligations; and

Your petitioner further PRAYS that the Commission prescribe as short a notice as practicable for a hearing, if any hearing be deemed necessary on this application.

MANHATTAN RAILWAY COMPANY,

By GEORGE J. GOULD,

President.

JULIEN T. DAVIES,

CHARLES A. GARDINER,

Counsel for Petitioner.

City, County and State of New York, ss.:

George J. Gould, being duly sworn, deposes and says: That he is an officer, to wit, President, of Manhattan Railway Company, the above-named petitioner; that he has read the foregoing petition, and that the same is true to the best of his knowledge, information and belief.

GEORGE J. GOULD.

Subscribed and sworn to before me this 14th day of May, 1908.

FRANCIS S. WILLIAMS,

Notary Public, Kings County.

Certificate filed in New York County.

In the Matter

of

The petition of the Manhattan Railway Company for leave to issue bonds to the amount of \$10,818,000, pursuant to the terms and provisions of its Consolidated Mortgage, dated February 26th, 1890.

To the Public Service Commission for the First District:

GENTLEMEN—The Manhattan Railway Company, as a supplement to its petition in the above entitled matter, duly made and verified by its President on the 14th day of May, 1908, respectfully shows:

First—That your petitioner's lines of elevated railroad mentioned in said petition extend from the Battery northwardly through various streets and avenues, forming in the main four lines of railroad, known, respectively, as the Second Avenue, Third Avenue, Sixth Avenue and Ninth Avenue lines, which extend to the Harlem River, all in the City and County of New York, said lines of railroad being more particularly described in the volume known as Statutes and Documents Affecting the Elevated Railways in the City of New York, which is mentioned in the petition herein, and of a further line of elevated railroad extending from the Harlem River northward to Bronx Park, as already specified by your petitioner; and that the equipment of said railroad consists of a system of electric traction using the third rail for transmission of the current, power houses for generating electricity, substations for converting the same, and motor cars and other cars adapted to such electric traction, all of which equipment is held and controlled by your petitioner's lessee, the Interborough Rapid Transit Company, under the lease dated January 1st, 1903, as set forth in the petition herein.

Second—That the report of your petitioner, in compliance with Order No. 136 of this Commission, relative to your petitioner's stock held by other corporations, as filed with your Commission on the 20th day of December, 1907, is supplemented and extended to this date, as shown in the report to that effect herewith submitted and filed.

• Third—That the price for which the \$10,818,000 of First Mortgage bonds of the Metropolitan Elevated Railway Company actually sold, and the manner in which the proceeds of such sale were applied, were never reported by said Metropolitan Elevated Railway Company to your petitioner, and your petitioner has no knowledge or information concerning either of said matters, except that its records show that said bonds, with capital stock of said Metropolitan Company were issued under a construction contract to the New York Loan and Improvement Company, as consideration for the construction of said Metropolitan Company's elevated railroads, prior to 1879.

Fourth—That your petitioner's consolidated capital stock, as reported in the petition herein, was issued as follows:

To retire outstanding stock as per agreement of August 1st, 1884 (filed with the petition herein)	\$26,000,000.00
Acquisition of Suburban R. T. Co., 1891	4,000,000.00
Sold to produce funds for electrical equipment, 1899	18,000,000.00
Sold to produce funds for electrical equipment, additions and betterments, 1903	7,200,000.00
Sold to produce funds for electrical equipment, additions and betterments, 1906	4,800,000.00
	<hr/>
	\$60,000,000.00
	<hr/>

I have the honor to remain,

Respectfully yours,

(Signed) GEORGE J. GOULD, President.

JULIEN T. DAVIES,

CHARLES A. GARDINER,

Counsel for Petitioner.

HEARING ORDER (No. 501).

On motion, duly seconded, a resolution was adopted calling for a hearing on said petition on May 26, 1908, at 2.30 o'clock p. m.

(9)

O-502

The Secretary presented the following petition of the Manhattan Railway Company for leave to issue bonds:

In the Matter
of

The petition of the Manhattan Railway Company for leave to issue bonds to the amount of \$894,000 pursuant to the terms and provisions of its Consolidated Mortgage dated February 26th, 1890.

To the Public Service Commission for the First District:

I. The petition of the Manhattan Railway Company respectfully shows that your petitioner is a rapid transit railway corporation, duly incorporated, organized and existing under and by virtue of the provisions of Chapter 606 of the Laws of 1875, known as the Rapid Transit Act of 1875, and the acts amendatory thereof and supplementary thereto, as appears from the volume known as Statutes and Documents Affecting the Elevated Railways in the City of New York, heretofore filed with this Commission on the 13th day of January, 1908.

That your petitioner constructed, maintained, acquired by lease and merger and otherwise, and operated elevated railways in the County of New York, from about the year 1879 down to April 1st, 1903, when it leased its property to the Interborough Rapid Transit Company by indenture of lease dated January 1st, 1903, and recorded

in the Register's office of the County of New York on April 1st, 1903, in Liber 2, page 35 of General Conveyances and filed in the office of the Secretary of State on April 4th, 1903.

That since said April 1st, 1903, said railways have been operated by said lessee.

That your petitioner is still the owner of its said property, subject to said last mentioned lease, a copy of which was filed with this Commission on the 13th day of January, 1908.

II. Your petitioner further shows that on or about February 26th, 1890, together with the Metropolitan Elevated Railway Company, a corporation duly incorporated, organized and existing under and by virtue of acts of the Legislature of the State of New York, as appears in the volume of Statutes and Documents filed as above mentioned, your petitioner duly executed and delivered to the Central Trust Company of New York, as Trustee, a Consolidated Mortgage, a copy of which is herewith submitted and filed.

That said Consolidated Mortgage was executed pursuant to authorization of the stockholders of said mortgagors, as appears by the proof of consent of stockholders, also herewith submitted and filed.

III. Your petitioner further shows that prior to the 7th day of May, 1894, it took a surrender or transfer of the entire capital stock of the Metropolitan Elevated Railway Company and duly filed a certificate to that effect in the office of the Secretary of State on said 7th day of May, 1894, a copy of which was heretofore filed with this Commission on the 13th day of January, 1908.

IV. Your petitioner further shows that on or about the 13th day of June, 1899, an indenture supplemental to said Consolidated Mortgage of February 26th, 1890, was entered into between the Manhattan Railway Company and the Central Trust Company of New York, as Trustee, for the purpose of allowing the bonds issued under said Consolidated Mortgage to be, at the option of the holder thereof, registered both as to principal and interest; said indenture being duly recorded in the office of the Clerk of the County of New York, on July 12, 1899, in Liber 7 of General Mortgages, page 265, a copy of said indenture being herewith submitted and filed.

V. Your petitioner further shows that the Suburban Rapid Transit Company was a corporation, duly incorporated, organized and existing under and by virtue of said Chapter 606 of the Laws of 1875, and the acts amendatory thereof and supplementary thereto; that said Suburban Rapid Transit Company was the owner of estates, property, rights, privileges and franchises for the construction, maintenance and operation of various lines of railway; that said Suburban Rapid Transit Company had, previous to the 4th day of June, 1891, constructed and erected a part of its line of railway extending in a general direction northerly from Second Avenue and Harlem River, in the Borough of Manhattan over and across said Harlem River, and northerly in the Borough of the Bronx as far as the intersection of Tremont Avenue or 177th Street with Third Avenue.

That on or about the 4th day of June, 1891, your petitioner took a surrender or transfer of the entire capital stock of the said Suburban Rapid Transit Company, and duly filed a certificate to that effect in the office of the Secretary of State, on the 30th day of June, 1891, as appears from the volume known as "Documents and Statutes Affecting the Manhattan Railway Company, as Transferee of the Estate, Property, Rights, Privileges and Franchises of the Suburban Rapid Transit Company," and thereby acquired all the said estate, property, rights, privileges and franchises, and became the owner thereof. That the said railroad lines of said Suburban Rapid Transit Company were connected with the lines of the Manhattan Railway Company in the year 1894 and then became an extension of the system of railroads of said Manhattan Company as the same existed on February 26th, 1890, and thereafter continuous and through trains were run from the southern extremity of Manhattan Island to the northern terminus of the former Suburban Rapid Transit Company's lines.

VI. That the bonds to be secured by said Consolidated Mortgage were, as therein provided, to be executed by the officers, for the time being, of the Manhattan Railway Company and to be certified by the Trustee, at the request of said Manhattan Railway Company, as and when needed for use in the manner provided in said Mortgage.

VII. That said Consolidated Mortgage provided for the issue of \$40,000,000 of Four Per Cent. Bonds for the purpose of taking up, by exchange or otherwise, outstanding bonds executed respectively by The New York Elevated Railroad Company, the Metropolitan Elevated Railroad Company, and by the Manhattan Railway Company, and for other corporate purposes of the Manhattan Company, and by the Seventh clause of the said Consolidated Mortgage further and additional bonds were provided to be issued, to be secured by the said mortgage, by the following language:

"Seventh—That further and additional bonds of the series hereby secured beyond the \$40,000,000 of bonds hereinabove provided for, but of the same general form and tenor and date, and bearing interest at not exceeding five per cent. per annum, the principal and interest thereof to be payable at like times and in like gold coin, may hereafter be created and issued by the Manhattan Company, and shall be and be deemed and taken to be secured by these presents equally with all other bonds issued under these presents, and to have like and equal lien, rights, powers and privileges with them. Said further and additional bonds shall be created and issued only for extensions of the present system of railroads of said Railway Companies, and only when and as said Railway Companies or either of them shall construct or acquire any such extension; but the word extension as used in these presents shall not be deemed or held to mean any side track or other addition to or enlargement or betterment of the railways mortgaged by these presents, or any part thereof. Such further and additional bonds shall be duly sealed and signed by the officers for the time being of the Manhattan Company, and be certified by the Trustee and issued

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and delivered by it at a rate not exceeding \$600,000 per mile of double track of elevated railway and \$300,000 per mile of single track of elevated railway of the extension so constructed or acquired and not otherwise. The fact of such construction or acquisition shall be evidenced for the purposes of these presents by the written certificate of the President or Vice-President and Chief Engineering officer of the Manhattan Company, and the ownership of the property constituting such extension shall be so vested as that the same shall form part of the mortgage security created by these presents, and become subject to the lien of these presents as a first charge thereon, * * *."

VIII. Your petitioner further shows that extensions of its said system of railroads have been constructed as follows:

First—Between the dates April 2d, 1900, and July 1st, 1901, from Tremont Avenue or 177th Street, in the Borough of The Bronx, to Pelham Avenue in said Borough, a distance of 5,680 feet, being 1.08 miles, all of two or more tracks.

Second—Between the dates February 18th, 1902, and May 21st, 1902, from said Pelham Avenue further northerly to Bronx Park in said Borough of The Bronx, a distance of 2,171 feet, being .41 miles, all of two or more tracks.

That said facts have been duly certified to the Trustee by the written certificate of the Vice-President and Chief Engineering officer of the Manhattan Railway Company.

IX. Your petitioner further shows that no bonds under said Consolidated Mortgage have heretofore been issued on account of said extensions or any part of them, and that the said extensions have become vested in your petitioner and form part of the mortgage security created by said mortgage and are subject to the lien thereof.

X. The financial condition of your petitioner is as follows:

MANHATTAN RAILWAY COMPANY.

General Balance Sheet March 31, 1908.

<i>Assets.</i>	
Cost of Road and Equipment.....	\$92,508,212.93
Cost of Leases	14,014,000.00
Real Estate	2,776,724.64
Interborough Rapid Transit Co., Lease account.....	377,322.73
Treasury Stock	43,435.94
Central Trust Co. Trustee, Etc.....	1,510.76
Current Assets	386,671.52
Total	\$110,107,878.52
<i>Liabilities.</i>	
Consolidated Capital Stock.....	\$60,000,000.00
Funded Debt	39,567,000.00

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Premium on Capital Stock	1,809,382.06
Convertible Bond Certificates	17,000.00
Bonds and Mortgages	74,000.00
Taxes in Litigation	19,866.03
Interborough Rapid Transit Co.	336,814.44
Current Liabilities	1,370.05
Profit and Loss Surplus	8,282,445.94
Total	<u>\$110,107,878.52</u>

INTERBOROUGH RAPID TRANSIT COMPANY.

Statement of Operations of the Manhattan Railway Division for the Year Ended
March 31st, 1908.

Earnings from Operation	\$14,254,322.00
Operating Expenses	6,182,366.00
Expenses to Earnings	(43.37%)
Net Earnings	<u>\$8,071,956.00</u>
Other Income	462,173.00
Gross Income.....	<u>\$8,534,129.00</u>
Interest on Bonds.....	\$1,809,680.00
Rental	10,000.00
Taxes on Real Estate	115,400.00
“ on Capital and Earnings.....	201,165.00
“ on Structure and Personal.....	1,187,567.00
Total Interest and Taxes.....	<u>\$3,323,812.00</u>
Net Income	\$5,210,317.00
Man. Guarantee (7% per annum).....	4,200,000.00
Surplus	<u>\$1,010,317.00</u>
Passengers Carried	287,216,689

XI. Your petitioner further states that the use to which the capital secured by the issue of said bonds is to be put is the discharge or lawful refunding of its obligations and restoring to the general fund of the petitioner amounts expended for the construction of extensions of the system of railroads of said railway companies, as the same existed at the time of the making of said Consolidated Mortgage on February 26th, 1890.

XII. Your petitioner further states that no contract has yet been made for the sale of said bonds, which is proposed to issue.

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1052

Your petitioner, therefore, PRAYS for an order of the Commission authorizing the immediate issue of said \$894,000 of bonds, under and pursuant to said Consolidated Mortgage dated February 26th, 1898, and stating that in the opinion of the Commission the use of the capital to be secured by the issue of such bonds is required for the purposes of the corporation and for the discharge or lawful refunding of its obligations; and

Your petitioner further PRAYS that the Commission prescribe as short a notice as practicable for a hearing, if any hearing be deemed necessary on this application.

MANHATTAN RAILWAY COMPANY,

By GEORGE J. GOULD, President.

JULIEN T. DAVIES,

CHARLES A. GARDINER,

Counsel for Petitioner.

City, County and State of New York, ss.:

George J. Gould, being duly sworn, deposes and says: That he is an officer, to wit, President, of Manhattan Railway Company, the above named petitioner; that he has read the foregoing petition, and that the same is true to the best of his knowledge, information and belief.

GEORGE J. GOULD.

Subscribed and sworn to before me this 14th day of May, 1908.

FRANCIS S. WILLIAMS,

Notary Public, Kings County.

Certificate filed in New York County.

HEARING ORDER (No. 502).

On motion, duly seconded, a resolution was adopted, calling for a hearing on the petition on May 26, 1908, at 2.30 o'clock p. m.

(10)

HEARING ORDER (No. 503).

O-503

On motion by Commissioner Bassett, duly seconded, a Hearing Order (No. 503) was adopted directing a hearing on May 29th, 1908 at 2:30 o'clock P. M. to inquire whether the hours of labor for the following employees of the Brooklyn Heights Railroad Company should not be limited to not more than eight hours in each day of twenty-four hours:

- (1) Two Brooklyn Train Dispatchers
- (2) Two Park Row Train Dispatchers
- (3) Three tower switchmen at Tillary Street
- (4) Three tower switchmen in the dividing switch tower situate about 150 feet west of the Brooklyn Terminal.
- (5) Three tower switchmen in the Park Row Terminal.

(11)

O-504

FINAL ORDER AFTER REHEARING (No. 504).

On motion by Commissioner Bassett, duly seconded, a Final Order after rehearing (No. 504) was adopted directing that the service of the Brooklyn Heights Railroad Company on its Flatbush Avenue Line be changed, increased and supplemented at the points and times and in the particulars following:

A—Westbound.

Leaving depot at Avenue "N" and 48th Street or Vanderveer Park and running at least as far west as Borough Hall.

- (1) Between 6:00 and 6:30 A. M. not less than five (5) cars.
- (2) Between 6:30 and 7:00 A. M. not less than seven (7) cars.
- (3) Between 7:00 and 7:30 A. M. not less than eleven (11) cars.
- (4) Between 7:30 and 8:00 A. M. not less than fifteen (15) cars.
- (5) Between 8:00 and 8:30 A. M. not less than fifteen (15) cars.
- (6) Between 8:30 and 9:00 A. M. not less than twelve (12) cars.
- (7) Between 9:00 and 9:30 A. M. not less than ten (10) cars.
- (8) Between 9:30 and 10:00 A. M. not less than eight (8) cars.
- (9) Between 10:00 and 10:30 A. M. not less than seven (7) cars.
- (10) Between 10:30 and 11:00 A. M. not less than eight (8) cars.
- (11) Between 11:00 and 11:30 A. M. not less than eight (8) cars.
- (12) Between 12:30 and 1:00 P. M. not less than ten (10) cars.
- (13) Between 1:00 and 1:30 P. M. not less than ten (10) cars.
- (14) Between 1:30 and 2:00 P. M. not less than ten (10) cars.
- (15) Between 2:00 and 2:30 P. M. not less than ten (10) cars.
- (16) Between 7:00 and 7:30 P. M. not less than ten (10) cars.
- (17) Between 7:30 and 8:00 P. M. not less than six (6) cars.

B—Eastbound.

Leaving Borough Hall, and running at least as far east as Vanderveer Park (Flatbush and Nostrand Avenues).

- (18) Between 2:15 and 2:45 P. M. not less than ten (10) cars.
- (19) Between 2:45 and 3:15 P. M. not less than eleven (11) cars.
- (20) Between 3:15 and 3:45 P. M. not less than eleven (11) cars.
- (21) Between 3:45 and 4:15 P. M. not less than thirteen (13) cars.
- (22) Between 4:15 and 4:45 P. M. not less than fourteen (14) cars.
- (23) Between 4:45 and 5:15 P. M. not less than sixteen (16) cars.
- (24) Between 5:15 and 5:45 P. M. not less than fifteen (15) cars.
- (25) Between 5:45 and 6:15 P. M. not less than nineteen (19) cars.
- (26) Between 6:15 and 6:45 P. M. not less than fifteen (15) cars.
- (27) Between 6:45 and 7:00 P. M. not less than six (6) cars.
- (28) Between 10:15 and 10:45 P. M. not less than five (5) cars.
- (29) Between 10:45 and 11:45 P. M. not less than ten (10) cars.

At all other periods of the day except on Sundays there shall be operated at least the number of cars called for by schedule of March 30, 1908, as supplemented by Patch No. 1, filed with the Public Service Commission for the First District.

And directing that said order take effect on the 26th day of May, 1908.

(12)

O-505

HEARING ORDER (No. 505).

On motion by Commissioner Bassett, duly seconded, a Hearing Order (No. 505) was adopted directing a hearing on June 1st at 3:30 o'clock P. M. to inquire whether the Long Island Railroad Company or the Long Island Electric Railway Company, or both of said companies, should be directed to instal, maintain and operate suitable gates, warning bells, signal bells and such other safety precautions and devices as the Commission may deem necessary for the protection of the public at the crossing of said companies at South Street, Jamaica, Borough of Queens, City of New York.

(13)

O-506

FINAL ORDER (No. 506).

On motion by Commissioner Bassett, duly seconded, a Final Order (No. 506) was adopted directing:

(1) That the Long Island Electric Railway Company maintain a regular headway for the operation of cars on its Liberty Avenue Line from the 30th day of May, 1908, and until the further order of the Commission;

(2) That the said Long Island Electric Railway Company renew or replace all illegible destination signs and conspicuously display said signs on both ends of all cars from the 30th day of May, 1908, and until the further order of the Commission.

(3) That the Long Island Electric Railway Company thoroughly clean each car in operation on its said line daily from the 30th day of May, 1908, and until the further order of the Commission.

(4) That the said Long Island Electric Railway Company thoroughly clean and disinfect each car on its said line every fourth day from the 30th day of May, 1908, and until the further order of the Commission.

(5) That the said Long Island Electric Railway Company, from the 30th day of May, 1908, and prior to the 15th day of September, 1908, overhaul and repair the bodies of all cars on its said line so that when completed their condition shall be substantially new, having safe, proper and adequate car bodies in every respect.

(14)

O-507

Commissioner Maltbie—"Letters have been received from the Receivers of the New York City Railway Company requesting that the time at which the orders relative to service upon the Eighth Avenue and Lexington Avenue lines shall take effect be extended to June 1st. The Commission has recently issued a number of hearing orders and orders directing improvements in service upon several of the lines operated by the Receivers of the New York City Railway Co. The service orders particularly

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require a considerable amount of work in order that the new schedules shall be suited to the conditions upon that particular line, and I believe that the statements made by the Receivers, viz.: that it will be impossible to arrange new schedules prior to June 1, are made in good faith and that extension orders should be issued in each instance."

EXTENSION ORDER (No. 507).

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 507) was adopted extending to June 1st, 1908, the time when Final Order No. 489 shall take effect with respect to the service on the Eighth Avenue surface line of the New York City Railway Company.

(15)

EXTENSION ORDER (No. 508).

O-508

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 508) was adopted extending to June 1st, 1908, the time within which Adrian H. Joline and Douglas Robinson, Receivers of the New York City Railway Company, shall institute the service upon the Lexington Avenue Line called for by the terms of Order No. 423.

(16)

EXTENSION ORDER (No. 509).

O-509

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 509) was adopted extending to June 1st the time of the Pelham Park Railroad Company within which to file the reports called for by the terms of Order No. 443.

(17)

EXTENSION ORDER (No. 510).

O-510

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 510) was adopted extending to June 1st the time of the City Island Railroad Company within which to file the reports called for by the terms of Order No. 443.

(18)

2091

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer approving same, and voucher No. 1084, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY. }
OFFICE OF THE CONTRACTOR. }
68TH ST. & NORTH RIVER. }
NEW YORK, May 12, 1908. }

Requisition No. 8—For work done and materials furnished under contract dated June 27th, 1907, for the construction of section No. 9-0-1 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 30th day of April.

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	For Month	Total
Total to date relative to the contract value of the whole work.....	\$22,043.75	\$203,836.25
Amount previously estimated.....		181,791.50
Amount of present estimate.....	22,043.75	22,043.75
Deduct 10 per cent.....	2,204.38	2,204.38
Requisition for amount due for work done and materials furnished during the month	\$19,839.37	\$19,839.37

BRADLEY CONTRACTING COMPANY,

By (Signed) FRANK BRADLEY, Pres., Contractor.

Certificate No. 8—I hereby certify that the work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-1 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 8 of date May 12, 1908, is made by the Bradley Contracting Co., the Contractor, have been done and furnished in accordance with the terms of the contract to the value of Nineteen thousand, eight hundred and thirty-nine dollars and thirty-seven cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company has made requisition on this Commission, numbered No. 8, and dated May 12, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of Section No. 9-0-1 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 30th day of April, 1908, amounting to (\$19,839.37), Nineteen thousand, eight hundred and thirty-nine dollars and thirty-seven cents, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(19)

2092

The Secretary presented the following requisition of the Degnon Contracting Company, together with the certificate of the Chief Engineer approving same, and voucher No. 1085, as approved by the Committee on Audit:

THE DEGNON CONTRACTING CO.,
OFFICE OF THE CONTRACTOR,
60 WALL STREET.
NEW YORK, May 14, 1908.

Requisition No. 10—For work done and materials furnished under contract dated April 27th, 1907, for the construction of Section No. 9-0-2 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 30th day of April, 1908, as follows:

	For Month	Total
Total to date relative to the contract value of the whole work.....	\$79,757.87	\$775,709.62
Amount previously estimated.....		695,951.75
Amount of present estimate.....	\$79,757.87	\$79,757.87
Deduct 10 per cent.....	7,975.79	7,975.79
Requisition for amount due for work done and materials furnished during the month.....	\$71,782.08	\$71,782.08

DEGNON CONTRACTING COMPANY,
(Signed) S. H. SANFORD, Chief Engineer.

Certificate No.—I hereby certify that the work done and materials furnished under contract dated April 27th, 1907, for the construction of Section 9-0-2 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 10 of date May 14th, 1908, is made by The Degnon Contracting Company, the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Seventy-one thousand, seven hundred eighty-two and 08/100 Dollars, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, The Degnon Contracting Company, has made requisition on this Commission, numbered No. 10, and dated May 14, 1908, for work done and materials furnished under contract dated April 27, 1907, for the construction of Section No. 9-0-2 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 30th day of April, 1908, amounting to (\$71,782.08) seventy-one thousand seven hundred eighty-two dollars and eight cents, and

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Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(20)

2004

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer approving same, and voucher No. 1086, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY, }
OFFICE OF THE CONTRACTOR, }
68TH ST. & NORTH RIVER, }
NEW YORK, May 12, 1908. }

Requisition No. 9- For work done and materials furnished under contract dated June 27th, 1907, for the construction of section No. 9 0-4 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 30th day of April.

	For Month	Total
Total to date relative to the contract value of the whole work.....	\$25,636.00	\$132,450.50
Amount previously estimated.....		106,814.50
Amount of present estimate.....	25,636.00	25,636.00
Deduct 10 per cent.....	2,563.60	2,563.60
Requisition for amount due for work done and materials furnished during the month.....	\$23,072.40	\$23,072.40

BRADLEY CONTRACTING COMPANY,

By (Signed) FRANK BRADLEY, Pres., Contractor.

Certificate No. 9- I hereby certify that the work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-4 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 9 of date May 12, 1908, is made by the Bradley Contracting Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Twenty three thousand and seventy-two dollars and forty cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 9, and dated May 12, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of section No. 9-04 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 30th day of April, 1908, amounting to (\$23,072.40), Twenty-three thousand and seventy-two dollars and forty cents, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials.

Resolved, That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes- Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays- None.

Carried.

(21)

2095

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer approving same, and voucher No. 1087, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY, }
OFFICE OF THE CONTRACTOR, }
(8TH ST. & NORTH RIVER, }
NEW YORK, May 12, 1908. }

Requisition No. 10—For work done and materials furnished under contract dated June 27th, 1907, for the construction of section No. 9-05 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 30th day of April.

	For Month	Total
Total to date relative to the contract value of the whole work.....	\$33,358.75	\$320,426.50
Amount previously estimated.....		287,067.75
Amount of present estimate.....	33,358.75	33,358.75
Deduct 10 per cent.....	3,335.88	3,335.88
Requisition for amount due for work done and materials furnished during the month.....	\$30,022.87	\$30,022.87

BRADLEY CONTRACTING COMPANY,

By (Signed) FRANK BRADLEY, Pres., Contractor.

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1060

Certificate No. 10—I hereby certify that the work done and materials furnished under contract dated June 27th, 1907, for the construction of Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 10 of date May 12, 1908, is made by the Bradley Contracting Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Thirty thousand and twenty-two dollars and eighty-seven cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,

Chief Engineer of the Public Service Commission for the First District.

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 10, and dated May 12, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 30th day of April, 1908, amounting to (\$30,022.87) Thirty thousand and twenty-two dollars and eighty-seven cents and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(22)

2005

The Secretary presented the following requisition of the Bradley Contracting Company, together with the certificate of the Chief Engineer approving same, and voucher No. 1088, as approved by the Committee on Audit:

BRADLEY CONTRACTING COMPANY, }
OFFICE OF THE CONTRACTOR, }
68TH STREET & NORTH RIVER, }
NEW YORK, May 12, 1908. }

Requisition No. 5—For work done and materials furnished under contract dated June 27th, 1907, for the construction of section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to 30th day of April.

	For Month	Total
Total to date relative to the contract value of the whole work.....	\$562.25	\$12,454.00
Amount previously estimated.....		11,891.75
Amount of present estimate.....	562.25	562.25
Deduct 10 per cent.....	56.23	56.23
Requisition for amount due for work done and materials furnished during the month.....	\$506.02	\$506.02

BRADLEY CONTRACTING COMPANY,
By (Signed) FRANK BRADLEY, Pres., Contractor.

Certificate No. 5—I hereby certify that the work done and materials furnished under contract dated June 27th, 1907, for the construction of Pipe Galleries Section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, for which requisition No. 5 of date May 12, 1908, is made by the Bradley Contracting Co., the Contractor, has been done and furnished in accordance with the terms of the contract to the value of Five hundred and six dollars and two cents, that such value has been ascertained relatively to the contract value of the whole work, and that no certificate has previously been made for such work and materials.

(Signed) HENRY B. SEAMAN,
Chief Engineer of the Public Service Commission for the First District

The following resolution was thereupon moved and duly seconded:

Whereas, The Contractor, Bradley Contracting Company, has made requisition on this Commission, numbered No. 5, and dated May 12, 1908, for work done and materials furnished under contract dated June 27, 1907, for the construction of section No. 9-0-5 of the Brooklyn Loop Lines of the Rapid Transit Railroad of the City of New York, to the 30th day of April, 1908, amounting to (\$506.02) Five hundred and six dollars and two cents, and

Whereas, Henry B. Seaman, Chief Engineer, has certified that the work done and the materials furnished have been done and furnished in accordance with the terms of the contract, that the value has been ascertained relatively to the contract value of the whole work, and that no certificate has been previously made for such work and materials,

Resolved, That this Commission hereby approves the said requisition, and directs that the voucher be transmitted to the Comptroller for payment of the said amount.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(23)

O-455

Commissioner Maltbie presented the following report of A. W. McLmont, which was ordered filed and spread on the minutes in full:

Report Regarding the Overhauling of Open or Summer Cars of the N. Y. City R. R. Co.

May 16th, 1908.

Commissioner MILO R. MALTBIÉ, Public Service Commission:

SIR—I take pleasure in bringing to your attention the favorable conditions regarding the class of work being done in overhauling the open or summer cars of the N. Y. City Railway Co.

The organization for overhauling and renewing their open cars is in thorough working order and the results being attained are decidedly favorable for ensuring more reliable car service this season than the equipments of this company have been giving during the last two years. The placing of the electric equipment, auxiliary appliances and instruments upon the cars has been to a great extent standardized, so that a much better supervision can be maintained over them than heretofore. Also the car wiring has been greatly improved and is now done in a workmanlike and substantial manner, which has already shown good results, as during the bad weather which prevailed last week there was not one of the overhauled open cars that showed defective equipment which had to be taken in for emergency repairs.

All the cars repaired by the Stephenson Co. have been repainted and revarnished, and with the exception that the seats and backs have been painted, the appearance of which will deteriorate more rapidly than if it were natural wood varnished, the cars are practically as good as new.

The double truck cars overhauled by the N. Y. City Railway Co. compare very favorably in the methods and manner of the re-wiring and overhauling of the trucks with the cars which were overhauled and renewed at the Stephenson Company's works. The work done is generally of a first class character, but our inspection of each car overhauled shows there is considerable detail work which might still be done to the cars, but the age and condition of the car body would hardly warrant further outlay than that now being expended to put the car in a serviceable condition for this season.

The improvement in working methods and the Company's evident effort to do this overhauling work properly is gratifying. When the inspectors of this Commission first began to examine the cars overhauled by the N. Y. City Railway Company, it was found that in many instances they were not up to the standard which the inspector was instructed to expect. The inspectors refused to pass all such and they were kept in the shops until put in condition satisfactory to the Commission's inspector. This Bureau is inspecting at this time on an average of 18 cars per day, and the latest inspections show a continued improvement in the work being done by the Company. The single truck cars are very old, and considerable work has had to be done; they have practically been rebuilt.

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In conclusion, I would say that every suggestion made by this Bureau relating to a change or improvement in the methods employed and the work done by the company has been readily accepted and adopted, and I believe that the cars which are now being turned out to-day are as well equipped for summer service as could be expected of any overhauled and renewed rolling stock which had deteriorated to the point that the equipment of the N. Y. City Railway Co. had reached.

Respectfully submitted,

(Signed) A. W. McLIMONT,
Electrical Engineer.

(24)

C-1965

The Secretary presented a communication from the 28th Ward Board of Trade under date of May 11th, petitioning that the Brooklyn, Queens County and Suburban Railroad Company be required to run all Broadway cars now turning back at Cypress Hills through at least as far as Richmond Hill, and further petitioning that no further extension of time be granted for the filing of plans for the new station at Cypress Hills. The communication was referred to Commissioner Bassett.

(25)

O-511

The Secretary presented a communication, dated May 14, 1908, from the South Bronx Property Owners' Association, and a communication dated May 15, 1908, from the North Side Board of Trade, requesting the Commission to hold a public hearing in order to discuss the modification of the Broadway-Lexington Avenue subway so as to provide for the proper location of a transfer point between the two branches of the subway in The Bronx. On motion, duly seconded, it was thereupon

HEARING ORDER (No. 511).

Resolved, That a public hearing be held in the rooms of the Commission at 154 Nassau Street on Monday, May 25, 1908, at 4:00 P. M., for the purpose of discussing the proper junction point between the two branches of the Broadway-Lexington Avenue subway in The Bronx.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(26)

Resolved, That the Commission hereby makes the following appointment, and approves the following change of title—

Appointment from the Civil Service List.

	Salary	To Take Effect
Frank L. Moore..... Electric Meter Tester.....	\$90 per month	May 25, 1908

May 19, 1908.]

1064

Change of Title.

Herbert E. Brink, From structural draughtsman to engineering draughtsman, May 3, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
**THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,**

FRIDAY, MAY 22, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Commissioner John E. Eustis, Acting Chairman, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie.

(1)

On motion, duly seconded, Commissioner Eustis was elected Acting Chairman.

(2)

On motion, the record of the proceedings of the Commission for May 15 and 19, 1908, as printed in the CITY RECORD for May 22, 1908, was approved.

(3)

1127

The Commission took up the consideration of the matter of bids on the so-called "Fourth Avenue" subway. The Secretary presented a communication from James P. Graham asking leave to be allowed to withdraw his bids on the first and fifth sections. The Secretary also presented a communication from the Tidewater Construction Company and Thomas B. Bryson, protesting against consideration by the Commission of the bid of James P. Graham on the fifth section.

The Commission called before it James P. Graham and his counsel and engineer, and a lengthy examination of Mr. Graham ensued with regard to his bids.

(4)

3200

The Secretary presented a communication, dated May 19, 1908, from William M. Lawrence, Assistant Secretary of the Board of Estimate and Apportionment, transmitting a certified copy of the following resolution adopted by them May 15, 1908, which was ordered filed:

"Resolved, That the Board of Estimate and Apportionment, pursuant to the provisions of section 37 of the Rapid Transit Act (chapter 4 of the Laws of 1891) as amended, and Chapter 429 of the Laws of 1907, and the requisition of the Public

(37)

[Form 2045]

[1 M (B)]

May 22, 1908.]

1066

Service Commission for the First District, duly made by the Chairman and Secretary of said Commission on May 14, 1908, hereby authorizes the Comptroller to issue corporate stock of The City of New York, to an amount not exceeding two hundred and four thousand, eight hundred and twenty-five dollars and eighteen cents (\$204,825.18) to pay certain claims for damages arising from the change of route of the Rapid Transit Railroad in Park Avenue between 34th and 42nd Streets, Borough of Manhattan, in accordance with an agreement between the City of New York and the Interborough Rapid Transit Company, duly approved by this Board on May 15, 1908."

(5)

CONTRACT NO. 2. RENTAL.

2622

The Secretary presented the following communication:

The Public Service Commission for the First District, New York, Hon. WILLIAM R. WILLCOX, Chairman, 154 Nassau Street, New York City:

DEAR SIR—In conformity with the custom established in this Department, I herewith transmit for your information, copies of receipts given the Interborough Rapid Transit Company in payment of the interest rental charged said company on the bonds issued for the construction of that portion of the Manhattan-The Bronx and the Brooklyn-Manhattan Divisions of the Rapid Transit Railroad (Subway) in operation, for the first quarter of the year 1908.

In view of the fact that an additional section of the Brooklyn-Manhattan Division of the Rapid Transit Railroad has been declared by your Commission ready for operation, and as the same is now in actual operation under Contract No. 2, I will thank you to transmit to this Department a certified copy of the agreement modifying Contract No. 2, setting forth the date of the opening of said section, and the estimated cost thereof, in order that the city may be provided with the information and authority to collect the interest rentals and sinking fund rentals as the same may become due and payable under the laws of 1891, chapter 4, as amended, etc.

Thanking you in advance, I am

Very truly yours,

(Signed) JOHN M. GRAY.

The Secretary stated that the communication had been referred to the Counsel to the Commission and thereupon presented the following communication from George S. Coleman, Counsel to the Commission:

"I have the Secretary's letter of the 6th inst., transmitting a copy of a communication from the Comptroller's office, in relation to the rental for the Brooklyn-Manhattan Rapid Transit Railroad. I think it would be well to transmit to the Comptroller a copy of the resolution adopted by the Commission, declaring the road ready for operation and advise him that as the entire road has been declared ready for operation, from the date mentioned in such resolution, the provisions of the modify-

ing agreement of December 14, 1905, cease to apply and the rental, based upon the total issue of bonds as provided in the contract of July 21, 1902, should be paid."

The Secretary was thereupon directed to transmit to the Comptroller the information as suggested in the Counsel's letter.

(6)

O-455

NEW YORK CITY RAILWAY COMPANY—MANDAMUS PROCEEDINGS.

The Secretary presented a communication dated May 5, 1908 from the Counsel to the Commission in regard to the failure of the New York City Railway Company and the Receivers thereof, to comply with the terms of Order No. 403, directing them to furnish transcripts of the daily entries in their "run-in" books which had been referred to him by the Committee of the Whole for the institution of proceedings or collection of penalty. The Counsel recommended the institution of a summary proceeding for a mandamus and the following resolution was thereupon moved and duly seconded and adopted:

Whereas, The New York City Railway Company and its Receivers, Adrian H. Joline and Douglas Robinson, have violated Order No. 403 of the Commission in having failed to furnish transcripts of the daily entries in their "run-in" books as required by said order; and

Whereas, Thirty-nine days have elapsed between the time when the order took effect and the present date,

Resolved, That the Counsel be authorized and directed to prepare a petition for a mandamus compelling the New York City Railway Company and its Receivers to supply such transcripts, and also

Resolved, That the Counsel be and hereby is authorized and directed to commence an action or actions against the said New York City Railway Company and its Receivers, Adrian H. Joline and Douglas Robinson, to recover all forfeitures and penalties incurred for said violations of said Order No. 403 and prosecute the same to final judgment pursuant to the provisions of the Public Service Commissions Law.

(7)

2092

BROOKLYN LOOP LINES—STATIONS.

The Secretary presented a communication, dated May 19, 1908, from the Counsel to the Commission, transmitting a letter from the Chief Engineer with regard to the construction of an entrance to the east platform of the Canal Street station of the Brooklyn Loop Lines through property located at 152, 154, 156 and 158 Centre Street, and a form of resolution directing the Corporation Counsel to discontinue the condemnation proceedings in connection with the same. The following resolution was thereupon moved and duly seconded:

Whereas, The Public Service Commission for the First District heretofore duly caused three similar maps or plans to be made of certain parcels of property required for the construction, maintenance and operation of a part of the proposed Brooklyn Loop Lines of the Rapid Transit Railroad, including a certain station and station ap-

May 22, 1908.]

1066

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In view of the fact that an additional section of the Brooklyn-Manhattan Division of the Rapid Transit Railroad has been declared by your Commission ready for operation, and as the same is now in actual operation under Contract No. 2, I will thank you to transmit to this Department a certified copy of the agreement modifying Contract No. 2, setting forth the date of the opening of said section, and the estimated cost thereof, in order that the city may be provided with the information and authority to collect the interest rentals and sinking fund rentals as the same may become due and payable under the laws of 1891, chapter 4, as amended, etc.

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The Secretary was thereupon directed to transmit to the Comptroller the information as suggested in the Counsel's letter.

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O-455

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Whereas, Thirty-nine days have elapsed between the time when the order took effect and the present date,

Resolved, That the Counsel be authorized and directed to prepare a petition for a mandamus compelling the New York City Railway Company and its Receivers to supply such transcripts, and also

Resolved, That the Counsel be and hereby is authorized and directed to commence an action or actions against the said New York City Railway Company and its Receivers, Adrian H. Joline and Douglas Robinson, to recover all forfeitures and penalties incurred for said violations of said Order No. 403 and prosecute the same to final judgment pursuant to the provisions of the Public Service Commissions Law.

(7)

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Whereas, The Public Service Commission for the First District heretofore duly caused three similar maps or plans to be made of certain parcels of property required for the construction, maintenance and operation of a part of the proposed Brooklyn Loop Lines of the Rapid Transit Railroad, including a certain station and station ap-

proaches or entrances, one of which said parcels of property consisted of a certain lot designated on said maps or plans as Lot No. 27, known as Nos. 112, 114 and 116 Walker Street, Nos. 154, 156 and 158 Centre Street and Nos. 234, 236 and 238 Canal Street, Block 198, Section 1, and also caused a memorandum to be made accompanying said maps or plans and deemed to be part thereof, clearly indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished in relation to said parcels of property described upon said maps or plans, to wit, an estate in fee simple; and

Whereas, On March 12, 1908, a resolution was duly passed by the Public Service Commission for the First District approving and adopting said maps or plans and memorandum, and the Public Service Commission for the First District thereafter duly caused one copy of said maps or plans and memorandum to be filed in the Office of the President of the Borough of Manhattan and duly transmitted two of said maps or plans and memorandum to the Corporation Counsel of The City of New York and directed him to take legal proceedings to acquire said parcels of property in fee simple, and the Corporation Counsel of The City of New York having duly caused one of said maps or plans and memorandum so as aforesaid transmitted to him, to be filed in the Office of the Register of the County of New York, and having thereafter duly taken proceedings to acquire said parcels of property in fee simple by giving notice by publication in two public newspapers published in The City of New York of an application to be made to the Supreme Court in and for the County of New York, at a Special Term thereof, on the 4th day of June, 1908, for the appointment of commissioners of appraisal, which said notice is now being duly published as aforesaid; and

Whereas, In the opinion of the Commission, said parcel of property, Lot No. 27, known as Nos. 112, 114 and 116 Walker Street, Nos. 154, 156 and 158 Centre Street and Nos. 234, 236 and 238 Canal Street, Block 198, Section 1 is no longer required for the construction, maintenance and operation of the proposed Brooklyn Loop Lines of the Rapid Transit Railroad nor for a station and station approaches or entrances; now, therefore, it is

Resolved, That the Corporation Counsel of The City of New York be and he hereby is directed to discontinue said legal proceedings to acquire for The City of New York an estate in fee simple or any estate or estates, rights, terms, privileges, franchises or easements whatever in said parcel of property, Lot No. 27, known as Nos. 112, 114 and 116 Walker Street, Nos. 154, 156 and 158 Centre Street and Nos. 234, 236 and 238 Canal Street, Block No. 198, Section 1, which said parcel of property is described as follows:

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of the City of New York, in the County and State of New York, bounded:— Southerly by Walker Street; westerly by Centre Street; northerly by Canal Street, and easterly by a plot of ground known as No. 118 Walker Street. The premises hereby described, accord-

ing to a survey thereof, made by Francis K. Ford, City Surveyor, dated March 4, 1905, are bounded and described as follows:

Beginning at the corner formed by the intersection of the northerly side of Walker Street, with the easterly side of Centre Street; thence easterly along the northerly side of Walker Street, sixty-one (61) feet two and three-quarter ($2\frac{3}{4}$) inches to the lot of ground known as No. 118 Walker Street; thence northerly along the lot of ground known as No. 118 Walker Street, sixty-four (64) feet eight and seven-eighths ($8\frac{7}{8}$) inches to the southerly side of Canal Street; thence westerly along the said southerly side of Canal Street, fifty-four (54) feet eleven and three-quarter ($11\frac{3}{4}$) inches to the southeast corner of Canal Street and Centre Street; thence southerly along the said easterly side of Centre Street, eighty-two (82) feet four and three-quarter ($4\frac{3}{4}$) inches to the northeast corner of Centre and Walker Streets at the point or place of beginning, be said several dimensions more or less. Being the same premises which belonged to the late Julia Holsman at the time of her decease and known as Nos. 112, 114 and 116 Walker Street with the addition of a small fractional lot or gore at the southeast corner of Canal and Centre Streets. Said premises being known as Nos. 112, 114 and 116 Walker Street; Nos. 234, 236 and 238 Canal Street; and Nos. 154, 156 and 158 Centre Street.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(8)

CONTRACT NO. 1—96TH STREET STATION.

1258

The Secretary presented the following resolution, as recommended by the Committee of the Whole, and on motion, duly seconded, it was

Resolved, That John B. McDonald, the contractor mentioned in the contract of February 21, 1900, for the construction of the present Manhattan-Bronx Rapid Transit Railroad, and the Interborough Rapid Transit Company, to which he has assigned the leasing part of said contract, be directed to commence work on the construction of additional tracks in such Rapid Transit Railroad north of 96th Street under the modifying agreement of June 27, 1907, in accordance with the provisions and specifications of the contract of February 21, 1900, and the modifying agreement of June 27, 1907.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(9)

FINAL ORDER (No. 512).

O-512

On motion by Commissioner Eustis, duly seconded, a Final Order (No. 512) was adopted in the matter of the complaint of Henry G. Kost against the New York, New Haven, and Hartford Railroad Company, ordering and directing

(1) That said Company cease and desist from suffering or permitting in any manner the emission of black smoke from the stacks of the engines in use on the lines of said company at any and all times while said engines shall be standing in or passing through said Harlem River Terminal Yard.

(2) That said Company cover all soft coal fires in engines in said yards, whether standing still or passing through said yards, with coke and continually feed and replenish the same with coke during the time said engines shall remain in said yards.

(3) That said Company discontinue the use of the round-house situated in said yard and of the tracks in and adjacent to the same for the storage of engines under steam by or before the first day of January, 1909.

(4) That said Company institute the changes mentioned in subdivisions (1) and (2) above within ten days after service on said Company of a certified copy of this order, exclusive of the day of service.

(10)

HEARING ORDER (No. 513).

O-513

On motion by Commissioner Eustis, duly seconded, a Hearing Order (No. 513) was adopted directing a hearing on June 2, 1908, at 3:30 o'clock p. m. in the matter of the complaint of Elmer A. Allen against the New York Central and Hudson River Railroad Company with respect to inadequate service at the University Heights station on its New York and Putnam Division.

The Chair designated Commissioner Eustis to conduct the hearing.

(11)

HEARING ORDER (No. 514).

O-514

On motion by Commissioner Eustis, duly seconded, a Hearing Order (No. 514) was adopted, directing a hearing on June 2, 1908, at 2:30 o'clock p. m. in the matter of the complaint of John Davies against the New York Central and Hudson River Railroad Company, with respect to alleged smoke nuisance at 137th Street and Riverside Drive.

The Chair designated Commissioner Eustis to conduct the hearing.

(12)

COMPLAINT ORDER (No. 515).

O-515

On motion by Commissioner Bassett, duly seconded, a Complaint Order (No. 515) was adopted for satisfaction or answer within ten days by the Brooklyn, Queens County and Suburban Railroad Company in the matter of the complaint of the 28th Ward Board of Trade and the Union Course Board of Trade with respect to conditions at the Cypress Hills transfer point, Crescent Street and Jamaica Avenue.

(13)

EXTENSION ORDER (No. 516).

O-516

On motion duly seconded, an Extension Order (No. 516) was adopted, extending to June 1st the time of the New York City Interborough Railway Company to answer

the complaint of Robert C. Wood with respect to the failure of said Company to construct railroads in the Borough of The Bronx, for which franchises were obtained in 1905.

(14)

COMPLAINT ORDER (No. 517).

O-517

On motion by Commissioner Eustis, duly seconded, a Complaint Order (No. 517) was adopted for satisfaction or answer within ten (10) days by the Union Railway Company and Frederick W. Whitridge, its Receiver, in the matter of the complaint of Frank J. Flynn with respect to the failure of said Company and its Receiver to operate cars between 1:00 and 5:00 a. m. on a headway of twenty minutes.

(15)

COMPLAINT ORDER (No. 518).

O-518

On motion by Commissioner Bassett, duly seconded, a Complaint Order (No. 518) was adopted for satisfaction or answer within ten (10) days by the Sea Beach Railway Company and the Brooklyn Heights Railroad Company in the matter of the complaint of Wilson W. Thompson with respect to the re-establishment of station at King's Highway.

(16)

EXTENSION ORDER (No. 519).

O-519

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 519) was adopted extending to June 15th the time of the Coney Island and Brooklyn Railroad Company to comply with the terms of Order No. 437 requesting information as to number of car motors, car bodies, and car trucks operated by the said Company.

(17)

EXTENSION ORDER (No. 520).

O-520

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 520) was adopted extending to June 15th the time of the Coney Island and Brooklyn Railroad Company to comply with the terms of Order No. 443 requesting that said Company submit reports with respect to number of cars owned by it, and the kinds of fenders, wheel guards, and brakes with which they are equipped.

(18)

ORDER (No. 521).

O-521

On motion by Commissioner Eustis, duly seconded, a resolution was adopted requesting the New York and Portchester Railroad Company to inform this Commission in writing, within ten (10) days from the receipt of this resolution, to what extent and in what manner it has complied with the covenants, conditions and agreements contained in a contract entered into by said Company with the City of New York on May 31st, 1906, by which said Company was granted a franchise to construct and operate a railroad in the Borough of The Bronx from or near the intersection of Southern Boulevard and Willis Avenue northerly to the City Line; one of the con-

ditions of the grant being that within two years from the date thereof, said Company should expend, or cause to be expended, the sum of at least Eight Hundred Thousand Dollars (\$800,000.00) upon the actual construction of said railroad between Westchester Avenue at or near 167th Street and the City Line.

(19)

EXTENSION ORDER (No. 522).

O-522

On motion by Commissioner McCarroll, duly seconded, an Extension Order (No. 522) was adopted extending to June 15th the time of the Staten Island Railway Company within which to comply with the terms of Order No. 216 with respect to the planking of certain crossings therein mentioned.

(20)

EXTENSION ORDER (No. 523).

O-523

On motion by Commissioner McCarroll, duly seconded, an Extension Order (No. 523) was adopted extending to June 15th the time of the Staten Island Rapid Transit Railway Company within which to comply with the terms of Order No. 217 with respect to the installation of warning signs at certain crossings therein mentioned.

(21)

O-498

The Secretary presented a communication from the Interborough Rapid Transit Company, by E. P. Bryan, President, under date of May 21, 1908, containing a notification to the effect that said Company accepts and will obey the terms of Final Order No. 498 with respect to additional stairways at 89th Street station on the Third Avenue Elevated road, except that said Company reserves the right to apply for an extension of time within which to construct said additional stairways. The communication was referred to Commissioner Eustis.

(22)

O-506

The Secretary presented a communication from the Long Island Electric Railway Company, by F. L. Fuller, President, under date of May 21st, containing a notification to the effect that said Company accepts and will obey the terms of Final Order No. 506 with respect to service and equipment on its Liberty Avenue Line. The communication was ordered filed.

(23)

O-500

The Secretary presented a communication from the New York and Queens County Railway Company, by F. L. Fuller, President, under date of May 20th, containing a notification to the effect that said Company accepts and will obey the terms of Final Order No. 500 with respect to the service upon its Calvary Cemetery Line in Queens. The communication was ordered filed.

(24)

O-475

The Secretary presented the following communication from J. F. Calderwood, Vice-President and General Manager of the Nassau Electric and Brooklyn Heights

[May 22, 1908.]

Railroad Companies, in answer to Order No. 475 of the Commission, which was referred to Commissioner McCarroll:

May 14, 1908.

Mr. TRAVIS H. WHITNEY, *Secretary, Public Service Commission*, 154 Nassau St., N. Y. City:

DEAR SIR—Answering your favor of May 9th transmitting resolution of the Commission as follows:

"Resolved, That the Brooklyn Rapid Transit Company be required to make answer on or before May 14th to the following:

1. The reasons for the discontinuance of the Park Row service on the St. John's Place, Third Avenue and Vanderbilt Avenue lines.

2. Reasons for the increasing of the service through Fulton Street and the apparent decrease of service through Livingston Street."

as General Manager of the Nassau Electric and the Brooklyn Heights Railroad Companies, operating the lines in question, I beg to say in reply to the first inquiry that the withdrawal of the Park Row service on the lines mentioned was made in the belief that traffic from the subway stations in Brooklyn can best be cared for by such an arrangement. There is no doubt but that at least nine-tenths of the patrons of these lines are best served by the present operation.

As reply to question No. 2, while it probably was true that immediately after the opening of the Atlantic Avenue Subway Station a greater number of cars were operated through Fulton Street than through Livingston, we have adjusted this difference and practically equal use of the two streets is now being made.

Yours truly,

(Signed) J. F. CALDERWOOD,
Vice-President and General Manager.

(25)

3357

The Secretary presented a communication, dated May 19, 1908, from Clifford S. Kelsey, Vice-President of the Realty Associates of Brooklyn, urging the Commission to adopt the plan of covered construction, instead of open cut, in building the subway along Flatbush Avenue between Fulton Street and DeKalb Avenue, on account of the damage to property which would ensue from the use of open cut construction. The communication was referred to Commissioner McCarroll.

(26)

On motion, duly seconded, it was

Resolved, That the resignation of Cecilia L. O'Brien, Stenographer, be accepted to take effect June 1, 1908.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

May 22, 1908.]

1074

(27)

The Secretary presented the following communication from the Counsel to the Commission:

EAST RIVER TERMINAL RAILROAD.

May 21, 1908.

Public Service Commission for the First District:

SIRS—I am in receipt of your Secretary's letter of May 7th transmitting papers in connection with two applications of the East River Terminal Railroad, one a petition verified April 30, 1908, for a certificate of necessity, and the other a petition verified April 30, 1908, asking leave to issue stock to the amount of \$10,000. under Section 55 of the Public Service Commissions Law.

I think that action upon the last named petition may properly await the consideration of the first petition.

The first petition for a certificate of necessity is drawn under Section 53 of the Public Service Commissions Law. I am inclined to the belief that the granting of a certificate under Section 53 of the Public Service Commissions Law should await the obtaining of a franchise from the local authorities for the construction and operation of the street surface railroad proposed to be built by this company.

I think, however, a certificate under Section 59 and 59-a of the Railroad Law, that public convenience and a necessity require the construction of the road, may be granted by the Commission as successors of the Board of Railroad Commissioners, prior to the obtaining of the consents from the local authorities and property owners required by Section 91 of the Railroad Law.

Inasmuch, however, as this petition is drawn under Section 53 of the Public Service Act, my suggestion would be that the Secretary advise the applicant to withdraw this petition and substitute in place of the same one drawn under Section 59 and 59-a of the Railroad Law.

I return you herewith the papers transmitted to me by the Secretary under date of May 7th.

Respectfully yours,

GEO. S. COLEMAN.

Counsel to the Commission.

Thereupon, on motion duly seconded, the Secretary was directed to advise the applicant in accordance with the recommendation of counsel to withdraw the petition drawn under Section 53 of the Public Service Commissions Law, and to substitute in place thereof one drawn under Sections 59 and 59-a of the Railroad Law.

(28)

1840

The Secretary presented the following communication and report of Bion J. Arnold, Consulting Engineer:

LETTER OF TRANSMITTAL.

NEW YORK, May 22d, 1908.

*Public Service Commission, First District, State of New York, 154 Nassau Street,
New York City:*

GENTLEMEN—I have the honor to submit herewith my report upon “The Capacity of the Subway,” this being the fourth of a series of reports which I have prepared for you upon the present Subway of the Interborough Rapid Transit Company.

The previous reports dealt with minor changes which could easily be put into effect, such as improvements in the methods of dispatching trains, changes in the signal system and the installation of additional side doors in the cars, some of which changes have already been adopted; but this report analyzes the fundamental design of the Subway, points out how further increase in its capacity can be obtained and directs attention to certain fundamental defects or omissions in the present Subway which should, in my judgment, be avoided in future Subways.

In reading this report as well as the others which I have submitted or may hereafter submit, one should bear in mind that these reports represent the results of careful and conscientious study on my part of a monumental piece of work built by other engineers and that the spirit which prompts me in the preparation of these reports is to heartily commend these engineers and others who had to do with the design of the present Subway, for the many excellent ideas embodied in this work and for the character of its construction, rather than to criticise them adversely for the few things which now seem to me advisable and which they did not do.

Furthermore, it should also be remembered that the pioneers in any field, acting without precedent to guide them, must overcome obstacles which are often lost sight of in subsequent criticisms and that it is always easier for those who follow these pioneers to point out what should have been done than it is to foresee these things and do them in advance.

As a matter of fact, New York City has, in its present Subway, the finest and most efficient example of underground railway construction in the world and it gives me pleasure to say so; but this does not preclude the advisability of the adoption of improvements if it can be shown that such improvements can be made not only in this Subway but in future Subways, and if the arguments which I produce in favor of new ideas are found sound an attempt should be made to give them a trial irrespective of whether the plans suggested by these ideas have been tried or not.

Therefore, in order that my conclusions can be justly criticised, I have endeavored to analyze scientifically each question stating all premises and giving the full technical

May 22, 1908.]

1076

discussion in order that no one may be expected to accept my personal opinion of any question discussed.

Respectfully submitted,

(Signed) BION J. ARNOLD,
Consulting Engineer.

THE CAPACITY OF THE SUBWAY OF THE INTERBOROUGH RAPID TRANSIT COMPANY OF NEW
YORK CITY.

As far as the engineering features and actual operation of the present Subway are concerned, it should be recognized that it more than fulfills the requirements contemplated by its projectors and that it has demonstrated the complete success of sub-surface transportation as a means of rapid transit. While as at present operated, it is one of the best examples of high class railroad construction and operation in existence, it is but proper, in an analysis of it, to state that the maximum degree of rapid transit consistent with the occupancy of the streets and the investment involved, has not been obtained.

In considering an enterprise of this character it should be borne in mind that it should be the aim to establish and maintain a proper relationship between the fundamental elements entering into it, viz: safety, comfort, capacity, speed and a fair return on the investment.

In all of these elements, I find the present Subway lacking. The absolute safety has been sacrificed to secure extra capacity, whereas even greater capacity than is now secured can be obtained by safe methods. The capacity of the Subway *decreases* as the load, after it has reached a certain point, *increases*, which is exactly contrary to what should be expected. The speed of the trains is not maintained during rush hour periods just at a time when an advantage of speed would be of benefit not only to the greatest number of Subway patrons but also to the operators of the Subway.

The comfort of the patrons is seriously interfered with by the arrangement of entrances and exits, both in the cars and in the stations themselves. With the present type of Subway car, the conflicting lines of passenger movement in and out of the cars actually subjects passengers at times to danger of personal injury during certain hours of the day. Finally, the returns on the investment are not sufficient to pay the necessary operating and maintenance expenses, interest at a reasonable rate on the investment, the sinking fund as required by the city, and at the same time allow a sufficient fund to be set aside to take care of depreciation.

In other reports, I have discussed the element of safety; (See Report No. 2 on "The Signal System", January 18, 1908) the question of comfort; (See Report No. 3 on "The Subway Car", February 18, 1908) and the question of speed will be handled in a separate report. It is the object of this report to discuss the question of capacity and its relation to the above mentioned fundamental elements and to point out certain things which appear to me to be defects in the present Subway which should be avoided in future Subways in order to make them satisfactory and profitable.

A study of the present Subway will reveal the fact that one of its fundamental defects, as far as its capacity is concerned, *is that it fails to carry sufficient passengers upon a fixed five cent fare to justify the large investment which was finally found necessary to produce this splendid means of transportation.* The total investment required to build and equip the Subway as it exists to-day amounts to approximately \$75,000,000 of which \$50,000,000 may be charged to the cost of the permanent way and \$25,000,000 to the cost of equipment. Should it be contended that these figures include an excessive construction profit, it is but fair to state that it is quite probable, in fact almost certain, that were the Subway to be constructed now, the open cut method of construction would not be allowed and thus the actual cost of reproducing the present Subway would be increased by a greater amount than is represented by any amount which may be included in the above figures as a construction profit.

In 1907 the Subway carried 182,000,000 passengers and during the present year it may possibly carry 200,000,000 passengers resulting in an annual income of \$10,000,000. Thus the gross income per annum from passenger traffic will be equal to only about 13% on the actual investment, as compared with surface and elevated railway systems many of which take in an amount equivalent to 20% to 25% of the costs necessary to reproduce them.

For the last two years the operating expenses of the Subway have amounted to an average of approximately 45% of the gross receipts. On this basis the annual operating expenses, with a gross income of \$10,000,000, will amount to \$4,500,000, leaving \$5,500,000 to be applied toward the payment of *interest, depreciation, taxes, sinking fund and profit.* This amount is only 7.33% upon the above investment of \$75,000,000, and it is thus apparent that the present Subway, which is now overloaded, is not built in such a way as to furnish sufficient capacity, with the conditions under which it has to operate, to produce financial results consistent with the investment.

Another serious defect of the present Subway, under present operating conditions, is that it is capable of serving only about 50,000 passengers in one direction during each hour of the rush periods, and has no overload capacity. One high building in the business district will accommodate fully 10,000 people and high buildings are being erected much faster than Subways can be financed and built. As the configuration of the Island of Manhattan provides room for only a limited number of North and South Subways, it is apparent that each route occupied should be utilized to its greatest practicable capacity.

Although the present Subway is now carrying more passengers than it was originally designed to carry, the number of patrons who are demanding transportation is increasing yearly and the maximum carrying capacity is therefore taxed to its fullest limit during both of the rush periods of every business day, during the Winter months. The financial investment required for new Subways, as well as the element of time required to plan, to construct and to put them into operation are so great as to make it obvious that for many years to come the popular demand for Subways cannot be adequately supplied.

Under these conditions it is essential that the maximum carrying capacity of the present Subway should be completely developed, and, at the same time, that a comprehensive study should be made of the possibilities of securing a relatively larger passenger-carrying capacity, and also a larger earning capacity for all future Subways.

This report, therefore, discusses the various elements which enter into the problem of maximum capacity, points out how the capacity of the present Subway can be increased, and also shows the lessons which should be learned from its operation, so that in designing and building future Subways the limitations of carrying capacity and earning capacity which exist in the present Subway may be avoided.

My investigations have led me to believe that the capacity of the present Subway, as now operated, can be increased fully 60% and possibly 75% without greatly changing its construction; that it will be possible to construct new Subways with a capacity from two to three times as great as that now being realized with the present Subway, and that the cost of operating expenses and fixed charges for future Subways can be reduced to an amount that will make it possible not only to produce a satisfactory return on the investment but also to set aside a fair amount each year to take care of depreciation.

UNITS OF CAPACITY.

The capacity of the Subway can be measured by determining, for a given period, one or more of the following items:

- a. Number of trains, i. e. "Train Capacity";
- b. Number of cars, i. e. "Car Capacity";
- c. Number of actual seats, i. e. "Seating Capacity";
- d. Number of passengers, i. e. "Passenger Capacity."

The *maximum* capacity can, of course, be determined only during the rush hour periods and it is evident that if equipment is provided for peak load conditions there should be little trouble in furnishing ample carrying facilities at all other times.

(a) *Train Capacity:*

The time schedule now in use calls for 30 trains per hour both on the express tracks and on the local tracks south of 96th Street during rush hours. This schedule corresponds to a time interval between trains or *headway* of 2 minutes. In actual practice, on busy days, the headway at Grand Central Station often reaches an average of 2 minutes and 10 seconds, which corresponds to a rate of 27.7 trains per hour.

It has been shown in my Report No. 2 upon the "Subway Signal System" that, with the present Subway, it will eventually be possible to maintain a headway of 90 seconds, which will allow 40 trains to pass a given point in one hour, and that for future Subways with suitably designed stations, it is not unreasonable to expect a capacity of 60 trains per hour over each track.

Upon the local tracks, which are not at present fully equipped with a block signal system, it is possible at the present time to operate on a headway of 72 seconds, thus providing for 50 trains per hour, but on account of the traffic being lighter on the local tracks and the difficulty of operating two schedules with different time intervals, for

the local trains than for the express trains, and at the same time fitting in the trains in their proper order at 96th Street, it has been and in my judgment will be found better practice to maintain the same headway upon both the local and the express tracks.

(b) *Car Capacity:*

Eight (8) cars now constitute an express train and five (5) cars a local train during the rush hours. The present maximum schedule of 30 trains per hour will thus provide 30×8 or 240 cars per hour on express tracks, and 30×5 or 150 cars per hour on the local service; a total of 390 cars per hour, and this may be taken as the limit of the car capacity of the Subway under present operating conditions. On account of the delays due to heavy travel during the rush hours, this rate of car movement is not maintained throughout the entire rush-hour period.

The maximum capacity of the present Subway under the best conditions practicable without reconstructing all the express stations will be shown to be 40 express trains per hour, of 10 cars each (400 cars) and 40 local trains per hour, of 7 cars each (280 cars), or a total of 680 cars per hour, as compared with the present schedule of 390 cars; in other words, it is *possible* to increase the capacity of the present Subway up to a total car capacity per hour 75% greater than is attained at present.

(c) *Seating Capacity:*

Of the present cars, 800 are provided with 52 seats each and the last 50 cars ordered, and recently put in service, are provided with 48 seats each. On a basis of a 2 minute headway upon both the local and the express tracks, the number of seats passing a given station can be taken at 370 cars with 52 seats each and 20 cars with 48 seats each, or 20,200 seats per hour.

It is possible to re-design the seating arrangement in the cars and to provide at least twice this seating capacity without adding to the number of cars operated, but for every additional seated passenger at least two standing passengers must be displaced. *The present seating arrangements strike a fair balance between the two extremes of maximum seating capacity and maximum standing room.* The question of the actual arrangement of seats, as well as the location of car doors, in order to secure maximum comfort and capacity is discussed in considerable detail in my Report No. 3 devoted to "The Subway Car."

(d) *Passenger Capacity:*

During the rush hours the express trains carry an average of 125 passengers per car; that is, nearly twice as many passengers stand as are seated. Counts have been made showing as many as 180 people crowded into one car. If the 2 minute schedule could be maintained on the express tracks, the maximum carrying capacity under present conditions might be said to be $30 \text{ trains} \times 8 \text{ cars} \times 125 \text{ passengers per car}$, or 30,000 passengers per hour on one express track, and $30 \text{ trains} \times 5 \text{ cars} \times 125 \text{ passengers per car}$, or 18,750 passengers per hour, on one local track; a total of 48,750 passengers in one direction in one hour for both classes of service.

If 10-car express trains can be operated on a 90-second headway each car carrying 125 passengers, then each express track should carry 40 trains x 10 cars x 125 passengers or 50,000 passengers per hour in one direction, and this is the limit to the carrying capacity of each express track in the present Subway. At the same time, if local trains of 7 cars could be operated on a 90-second headway each local track should carry 40 trains x 7 cars x 125 passengers or 35,000 passengers per hour in one direction. This would make a total carrying capacity through any one station, in one direction, of 85,000 passengers per hour, as compared with 48,750 passengers at the present time. In both cases the average loading of the cars has been taken at 125 passengers instead of at 150 as is frequently found at present on express cars.

HEADWAY.

The capacity of the Subway is primarily a question of headway. Headway may be defined as the time interval between trains, it being understood that the time is taken at the instant the corresponding parts of each train pass a given point, i.e. the time elapsing between the instant the head end of one train moves by a signal until the head end of the following train moves by the same signal, or the headway may be easily determined by noting the time elapsing between the starting of one train from a station platform until the following train similarly starts.

This headway is influenced by two factors which are independent of each other. The headway must therefore be determined in two different ways, and the operating, or actual headway, is found by taking the longest headway shown by either of the results. The two elements which influence the *operating headway* are the "Running Headway" and the "Station Headway."

(a) *Running Headway:*

The safe time between trains running between stations which may be termed "running headway" is maintained by the block signal system, which is described more in detail in Report No. 2. Under this arrangement, the time spacing of trains due to the running headway equals the time required to run three times the length of one block, plus the time required for two signals to clear, plus the time required for the train to run its full length at the maximum speed which it can run at this particular part of the road, plus the time required for the motorman to act after the distant signal has cleared from caution.

(b) *Station Headway:*

The time required for the train to clear a station block which may be termed "station headway" is determined at present by the total time required by a train to enter the station block; to come to a stop; to open the doors; to unload; to load; to close the doors; to start, and to clear the platform.

The two headways are thus determined by entirely separate sets of conditions. A train in making a trip is influenced, first by the "running headway" and then by the "station headway." The train, therefore, is constantly meeting varying conditions which influence the length of time which should elapse before the next train can fol-

low. The *minimum actual, or operating headway, is determined by the maximum length of time required to overcome these conditions at any limiting point throughout the entire trip.*

As at present operated, these limiting points in the Subway are now at the stations, that is, the station headway governs. The minimum running headway is considerably less than the minimum station headway, so that trains can get up to certain express stations faster than they can get through these station blocks.

LIMITING POINTS.

As already shown, the problem of increasing the capacity of the present Subway resolves itself into a study of and the removal of the delay at the limiting points. The most serious delays at present occur at the following points—

- a. At Grand Central station and other express stations;
- b. Combined station and cross-overs at 96th Street;
- c. In addition to these critical points, there is a situation at South Ferry station which must be changed before the extension of the Subway to Brooklyn can be used most effectively.

(a) *Grand Central Station and Other Express Stations:*

At the present time the delays at Grand Central station which are typical of the delays at all other express stations are due to a combination of causes, including confusion in the methods of handling the passengers, inflexibility in the signal system and defects in the car design. These disadvantages have been pointed out in detail in Reports Nos. 1, 2 and 3 in which it has been shown that the headway between trains which now often reaches 2 minutes and 10 seconds (130 seconds) can be reduced to 90 seconds by means of the following improvements—

	Saving in seconds over present method.
1—Close the doors promptly and give signal for starting trains to the motorman by an automatic train signal.....	10 seconds
2—Install a speed control signal system as an auxiliary to present signal system so as to allow the following train to reach the station platform more promptly than at present.....	15 seconds
3—Provide extra doors in the sides of the cars and guiding railings on the station platforms so as to avoid the present conflict of unloading and loading passengers and enable both operations to be carried on at the same time.....	15 seconds

These suggested improvements will make it possible to maintain at all times a train movement of 40 trains per hour upon the express tracks of the present Subway, whereas as at present operated there are times during rush hours of every busy day when this rate falls to 27 trains per hour due to the defects referred to above, all of which have been completely analyzed in the reports previously mentioned.

(b) *Combined Station and Cross-overs at 96th Street:*

In addition to the regular combined local and express station platforms at 96th Street, there are two cross-overs between the local and the express tracks just north of the

station platform. These cross-overs are used by every Broadway express train and by every Lenox Avenue local train, and therefore wherever one of the Broadway express trains and one of the Lenox Avenue local trains going in the same direction approach the cross-over at approximately the same time, there must be a delay for one of the trains which may amount to as much as 40 seconds, as one train must necessarily wait while the other uses the cross-over. During rush hours there is a Broadway express train scheduled to use the cross-over every 4 minutes in one direction and a Lenox Avenue local scheduled to cross over to or from the local tracks in the same direction every four minutes, so that the opportunities for a conflict at these cross-overs are numerous. The delay in the train movement due to the cross-over acts exactly like the delay due to a prolonged station wait and often has a cumulative effect upon the train schedule. The records show that the delays at 96th Street are fully twice as serious as those at Grand Central Station, due to the fact that at this station there are not only transfer platforms but also these cross-overs.

To remove the effect of the grade crossings, a re-arrangement of tracks has been proposed by the engineers of the Public Service Commission. This re-arrangement and the modification of it, both showing the elimination of the cross-overs, are described in the appendix and are illustrated by Figure 1 and Plate No. II. When the work, which has been authorized, or the suggested modification of it, is completed the trains passing through 96th Street can reach their respective tracks without making use of a grade crossing. When the same improvements in regulations, signal system and cars which have been suggested for improving conditions at Grand Central Station and other express stations have also been put in effect at 96th Street and the tracks have been re-arranged as described, then 96th Street will cease to be a limiting point and the proposed 90-second headway can be maintained at this part of the system without difficulty.

(c) *The South Ferry Loop:*

The two tracks which pass through the tunnels under the East River to form the Brooklyn extension to the Subway, leave the express tracks at Bowling Green station. The two express tracks continue to South Ferry station where they form a loop—both loop and station being directly over the point where the Brooklyn tracks pass into the tubes leading under the river. Since the Subway has been opened to the Atlantic Avenue station (May 1st, 1908) the Lenox Avenue express trains and the Dyckman Street express trains run through the tunnel to Brooklyn and the Broadway Kingsbridge express trains continue on around the loop at South Ferry. During rush hours, the Lenox express trains are scheduled for a headway of three minutes and the Dyckman express trains are scheduled for a headway of eight minutes through the Brooklyn tubes; that is, for a short time each day the Brooklyn schedule calls for a headway of an average of 2 minutes and 10 seconds. The Kingsbridge express trains which continue on around the South Ferry loop run every 8 minutes during the busiest part of the rush periods. This service to Brooklyn will not be as satisfactory as the

service on the rest of the line and as the facilities offered by the complete extension will attract a large patronage through the Brooklyn tubes, there will be a demand and need for running all the express trains directly through to Brooklyn. To meet this demand it will first be necessary to work out some plan for serving the South Ferry station which accommodates a certain number of patrons using the ferries leaving Battery Park, for until some plan is devised and adopted for accommodating these patrons it will be impracticable to run all the express trains to Brooklyn.

There are three plans which should have consideration in connection with this problem—

- 1—A double decked station at South Ferry. This plan would involve changing the present 3% grades of the tracks between the bulkhead of the tubes and Bowling Green station in order to provide an approximately level stretch of track at the stopping point or one upon which the grade does not exceed .5 of 1% in order that trains may remain at rest in case of failure of the brakes.
- 2—A shuttle train service between South Ferry and Bowling Green station.
- 3—A moving platform either in the present Subway between South Ferry and Bowling Green station or in an areaway just outside of the Subway.

In my opinion it is advisable to install the shuttle train service first in order to give immediate relief as this can be done at moderate expense but when considering the subject in connection with future Subways leading to the Battery, the other plans should receive careful attention.

INFLUENCE ON HEADWAY OF MORE EFFICIENT BRAKING.

(See Figures 2, 3 and 4 and Discussion in Appendix.)

A series of tests were made upon the rate of braking and these tests were compared to the results upon the Boston elevated electric road and upon other roads provided with improved braking equipments. These tests indicate that so far as efficiency is concerned the braking equipment of the Subway cars is capable of producing results as effective as any that have been secured up to date with brakes acting upon the wheels. The tests showed, however, that these results were not always actually secured on account of the carelessness or timidity of the motormen. The tendency seems to be for a motorman to begin to apply his brakes too quickly—thus prolonging by perhaps four or five seconds the time that should be devoted to bringing the train to rest at the platform. At least five seconds can be taken from the headway by instructing the motormen to bring their trains up to the express station platform at a speed of at least 30 miles per hour, which will require that the trains be brought to a stop in from 16 to 17 seconds instead of the 20 to 22 seconds usually required. The fact that some of the motormen do this now shows that it can be done. There is *no improvement which will show such effective results in proportion to the time and expense involved as will additional attention paid to this detail of operation.*

Should it be determined to use platform railings as shown in Report No. 3 upon the "Subway Car," the saving of time which can be accomplished by this improvement in braking will more than offset the few seconds which may be required to accurately stop the trains.

INFLUENCE ON HEADWAY OF IMPROVED ACCELERATION.

(See Figure 5 and Discussion in Appendix.)

It is but natural to expect and in fact it is contended by some, that considerable improvement could be made in the time required for accelerating the trains and that a number of seconds could be saved by moving the trains out of the stations more promptly.

As a matter of fact the actual acceleration tests show that in starting the trains and in moving them a distance equal to the length of the platform, there is but about 2 seconds difference between the best acceleration and the slowest acceleration observed. This would indicate that there is little improvement to be expected from training the motormen to be more skillful in using their controllers.

The tests indicate that the acceleration varies between 1.1 miles per hour per second and 1.4 miles per hour per second, and between these two figures fall all of the observations which have been made with varying loads and with different motormen.

The theoretical values of acceleration, which calculations based upon the motor curves indicate should be expected, fall between the values of 1.15 miles per hour per second for trains loaded with 150 passengers per car to 1.55 miles per hour per second for all cars empty and these theoretical figures agree very closely with the results of actual observation.

All 8-car express trains are provided with 5 motor cars each equipped with two 200 horse power motors and all 5-car express trains have 3 motor cars similarly equipped.

Examination of other systems shows the following values of acceleration as the results of an average of a large number of observations:

Company.	Description of Train.	Miles Per Hour Per Second.
Metropolitan Elevated—Chicago.....	3 car train light, 2 motor cars.....	1.41
South Side Elevated—Chicago.....	5 car train light, all motor cars.....	1.35
South Side Elevated—Chicago.....	5 car train loaded, all motor cars.....	1.19
Metropolitan Elevated—Chicago.....	5 car train loaded, 3 motor cars.....	1.06
Northwestern Elevated—Chicago.....	3 car train loaded, one motor car.....	0.84

These tests and figures indicate that the motor equipment of the present Subway is doing all that can be expected of it.

If all the cars of the Subway trains were equipped with motors, the initial acceleration in starting could be increased from 1.15 miles per hour per second to 1.65 miles

per hour per second, with trains loaded with 150 passengers per car. This improvement in acceleration would cut down the time required for the train to leave the station platform by about 2 seconds, and this saving of 2 seconds is practically the limit of improvement which can be expected upon the headway by equipping all the cars with motors. *It is apparent at once, therefore, that as far as the effect upon the capacity of the Subway is concerned, the expense of increasing the present motor equipment would not be justified.* The effect upon the speed of the trains of changes in the motor equipment will be discussed in a separate report.

Furthermore, if the signal system is re-arranged as recommended in Report No. 2 upon "The Signal System" the proceed signal will be given to the following train very soon after the leaving train starts to leave the platform and therefore the time required by the leaving train in accelerating will have no influence upon the cycle which determines the station headway.

A study of the comparative effect of improving the braking and acceleration of the trains indicates that more advantages can be expected from increasing the braking efficiency than can be anticipated from increasing the acceleration of the trains.

MORE CARS PER TRAIN.

In order to obtain the maximum practicable capacity of the present Subway it will eventually be found desirable to increase the express trains from eight (8) to ten (10) cars, and the local trains from five (5) to seven (7) cars.

The easiest way to accomplish this change is to arrange to handle two more cars on each train, operating these cars on the ends of the trains, and not attempting to load or unload them directly from or to any platform south of Ninety-sixth street.

These cars would soon become known to the regular patrons as "through cars" and the guard in charge could discourage passengers who intended to stop at intermediate points from going into these cars. Passengers getting the benefit of this service should not complain of the requirement of walking, at the maximum, three car lengths to get on or off, as the freedom from crowding should compensate them for this extra trouble.

It would be necessary to make a small number of changes in the block signal system in order to allow one of these lengthened trains to push a similar but disabled train to a terminal yard, an operation which is sometimes required, that is the block signal system must be slightly re-arranged, so that a double train of a total of twenty cars on the express tracks could be operated in case of accident.

Plans have been prepared to lengthen the platforms at sixteen local stations south of 96th Street from the present length of 200 feet to 350 feet each, so as to accommodate 8-car local trains. The estimates which have been prepared covering the cost of these changes run from \$1,900,000 to \$2,250,000. It is my opinion that the expenditure of this amount of money will not be justified at the present time.

Two cars out of every seven upon the local trains can be provided for through passengers, and these passengers can be educated to take advantage of this accom-

modation. Most all of the other passengers are transient, that is, are traveling only a short distance, and should not feel it a hardship during rush hours to stand for a few stations. On account of the extensive use of the transfer privilege, the local trains are nearly always emptied of a load equivalent to their standing load at the present time at every express station stop, and the standing passengers, therefore, have an opportunity to find seats. Judging from present tendencies, the two through cars on each local train would prove attractive to a number of passengers who now use the express trains, and who would probably be glad to secure a seat on a local train running but a few minutes slower than the express in exchange for uncomfortable and crowded standing room upon an express train.

The increased car service on the local trains, should, therefore, tend to decrease the crowded condition of the express service. It would appear, therefore, that, if the added cars on the local trains can be devoted to through business, which originates and ends at or near their terminal stations, it will *not* be necessary to invest approximately \$2,000,000 to provide an extension of the local platforms, which are now arranged to accommodate only five cars.

A similar line of reasoning will indicate that ten-car train service can be instituted on the express tracks without making a corresponding increase in the length of the platforms. To lengthen these express stations sufficiently to accommodate ten-car trains would also mean the extending of all station platforms north of 96th Street. This would mean a large investment in order to do this work without interfering with the operation of the trains. In my judgment it is entirely feasible to operate ten-car trains on the express tracks and seven-car trains on the local tracks. A decided effort should be made to do this first without extending the platforms. If the difficulties attending this through-car service cannot be overcome in actual operation, then the platform should eventually be extended.

WIDER CARS.

After the maximum practicable length of train has been reached and such trains operated at the rate of 40 trains per hour with the present Subway, and through the use of double decked or reservoir stations at the rate of 60 trains per hour for future Subways—there are apparently but two ways left for increasing the possible capacity of a Subway without adding tracks and that is to widen the cars or to double deck them.

With the present Subway, on account of the changes in stations, tracks, terminals and in the cars themselves the adoption of a higher or a wider car would be impracticable. For future Subways the use of a wider car should be seriously considered but in my opinion greater advantages can be obtained by double decking the Subways than by double decking the cars themselves.

In Report No. 3, "The Subway Car", I have discussed the proper design for a car at least 18 inches wider than the present car to be used in future Subways, and as this wider car will add at least 25% to the possible carrying capacity without add-

ing materially to the amount of the investment, it should be used unless reasons other than engineering and operating ones compel the adoption of cars having approximately the same width as those in the present Subway.

MAXIMUM POSSIBLE CAPACITY OF SUBWAYS.

It has been shown in Report No. 2 upon the "Signal System" that the minimum headway to be expected with the present Subway upon tracks equipped with a block signal system, is 90 seconds, corresponding to 40 trains per hour. It has been shown further that this limitation to the headway is due to the delay in the express station blocks. In future Subways, this limitation to capacity should be eliminated by providing two station tracks at each express station to serve each main line track, so that one train at a station platform will not delay the following train, as is the case at present. In this way the tracks at the express stations would be arranged on the reservoir principle, so as to equalize and maintain at its maximum the rate of movement of the trains passing from one station to another. In other words, *the stations which represent but a small portion of the cost of a Subway system should be designed in such a manner that the great investment in the Subway between the stations could be utilized to its fullest extent.*

If the tracks between stations can be worked up to a capacity of 60 trains per hour (60 second headway) then the train capacity of future Subways will be 100 per cent. greater than the capacity obtained under existing operating conditions in the present Subway. If 10-car trains can be run every minute, a car capacity of 600 cars per hour can be secured with each track of a future Subway. If each car carries 150 persons, the possible carrying capacity of a single track will be 75,000 passengers per hour or 150,000 passengers for two tracks whereas the possible capacity of two tracks in the present Subway, as now operated, is less than 50,000 passengers per hour.

To determine the possibility of running 10-car trains on a 60-second headway, it is necessary to analyze the elements entering into the determination of the "running" headway of a train.

RUNNING HEADWAY OF TRAINS.

This analysis which is included in detail in the appendix, (See Figures 6, 7 and 8) shows that it is safe to operate 10-car trains every minute even with the present type of signal system and brake equipment. This rate of train movement will be possible however only with railways where the stations are provided with two station tracks for each main line track, as the trains cannot operate on a 60-second headway if they are delayed in getting up to and through each station.

A study of the analysis and curves in the appendix will show that it is not only possible to operate 10-car trains at the rate of 60 trains each hour, but that improvements are possible which will allow for the movement of trains at even a greater rate with safety. These improvements will be sufficient to contribute all of the flex-

ibility or reserve capacity which must necessarily exist between the ultimate maximum capacity and the result to be expected of a system in every day operation.

To increase the train capacity of the Subway above the figures indicated by the curves, improvements may be expected along the following lines:

(1) The present braking data upon which the signal system has been designed indicate a rate of deceleration or rate of braking of slightly less than two miles per hour per second. It is not improbable that tests made under Subway conditions would show that an emergency stop at a rate somewhat in excess of this can be safely relied upon, provided the latest type of brake is used. A decrease in the length of the blocks of from 10 per cent. to 20 per cent. might be possible as a result of this revised information, and it is, therefore, important that a series of reliable tests, showing the actual distance required to stop a loaded Subway train by means of the automatic emergency trips be made before the block distances of future Subways are decided upon.

(2) The signal system should allow the trains to run closer together than the minimum distance of three times the length of a block section, as is the case with the present Subway. This can be done most effectively by arranging a series of caution signal lights, which will follow the movement of the preceding train more closely than the present caution signals which are now a full block distance apart. A traveling caution signal, if perfected, would allow the following train to encroach upon the overlap section of the block and approach nearer the danger signal, and thus safely reduce the minimum time interval between trains.

(3) Recent improvements in the signals themselves, have been made by which the movable colored discs have been replaced by two sets of electric lights whereby the signal indications become practically instantaneous. In the figures from which the curves in the appendix have been prepared, a period of $2\frac{1}{2}$ seconds was included to allow for these signal movements and the headways shown can therefore be reduced by this $2\frac{1}{2}$ seconds in considering the absolute minimum headway possible for future Subways.

These various improvements should make it *possible* to eventually maintain a 45-second "running" headway corresponding to a car capacity of 800 cars per hour with 10-car trains—but as it is impracticable to expect any system to be kept in operation for any great length of time up to its full ultimate capacity, I have based my calculations for the capacity of future Subways upon a practicable maximum capacity of 600 cars per hour for each express track which would only require trains to run on a 60-second headway.

If it were practicable to reconstruct and double deck all of the express stations of the present Subway, there is no good reason why the above capacity of 60 trains per hour could not be secured, but the difficulties which would be encountered in changing the stations while keeping the road in operation combined with the expense of undermining the foundations of certain high buildings under which the

Subway runs, make this improvement now practically prohibitive although the expense of this change may some time prove advisable in order to get capacity.

The maximum train capacity, therefore, of any properly signaled track of the present Subway is 40 trains per hour as previously shown.

CARRYING CAPACITY OF A MOVING PLATFORM.

(See Figure 9 and Discussion in Appendix.)

It is possible to install and operate a moving platform for the transportation of passengers under sub-surface conditions and this method of solving the transit problem has been often advocated but has never been put into practical every day operation for city transit. Such a platform would have a number of loading and unloading platforms moving at different speeds, usually varying in steps of three miles per hour. The platform carrying the seats can thus be made to move at either nine or twelve miles per hour, the latter speed being in excess of the average speed of a surface car.

A moving platform can be arranged to seat one passenger per lineal foot or 5280 passengers for each mile of platform. If this platform moves at the rate of 12 miles per hour its carrying capacity will therefore be 62,500 passengers per hour and each of the patrons will have a seat. This capacity is more than twice the possible seating capacity of 10-car trains running on 60-second headway with 50 seats per car—but the platform only moves at the rate of 12 miles per hour whereas the train can move its patrons at an average schedule speed of 25 miles per hour. In other words, the train method of operation has the advantage of having double the speed of the platform method and the platform method on the other hand has the advantage of having twice the seating capacity of the train method. The question is, do patrons of an underground system of transportation prefer speed or comfort; that is, would they prefer to patronize trains traveling at 25 miles per hour but with only half enough seats to accommodate them in preference to a moving platform traveling at the rate of 12 miles per hour but provided with seats for all.

It is probable that for short distance when speed is not an important element the moving platform with its "seat for every passenger" would be preferred, but that for comparatively long distance speed, even at a sacrifice of some capacity, is the result desired and there is therefore in my opinion no question as to the advantage of the train method of operation, for long haul Subway conditions.

DESIGN OF STATIONS FOR FUTURE SUBWAYS TO SECURE MAXIMUM CAPACITY.

It has been shown that, with the present type of Subway stations where the trains stop on the main line, the train capacity is limited to a 10-car train every 90 seconds or to 40 trains per hour, whereas if each station is provided with two station tracks for each main line track the trains could be handled at the rate of one every 60 seconds or 60 trains per hour. Therefore, the capacity of future Subways can be materially increased by double tracking the stations, and this should be done at least on the express tracks at all express stations. Whether or not the local tracks should be

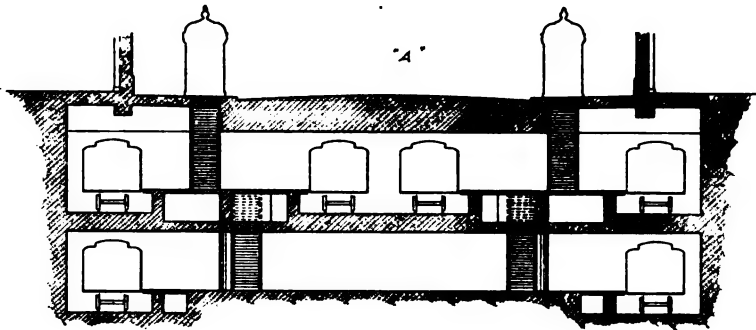
double tracked depends entirely upon the use to which the local tracks are to be put. If, as in the present Subway, these local tracks are to be used more as a collecting and distributing system for the express service than as a separate system of transportation, then there will be but little need of increasing the possible capacity of the local tracks above the capacity which will be provided by a single local track at each station. If, however, an effort is to be made, *as it should be*, to cultivate the short haul business by means of the local systems and at the same time encourage the use of the local trains for a certain amount of through travel, then arrangements should be made for double tracking the local as well as the express tracks at all transfer stations.

This arrangement of double tracks for the local service at the express stations would not *necessarily* mean double tracks for the local trains at intermediate local stations as the stops at these stations would not require over 15 seconds and this station wait would not materially affect the headway. At transfer stations however the local trains are liable to be held at the platforms as long as the express trains are held and therefore if there is a demand for frequent train service over the local tracks, these tracks should be provided with double tracks at the transfer stations thus making each transfer station a double decked station with four tracks on each deck.

The question as to the best arrangement of the tracks in a station provided with double tracks for each main line track is an important one.

In the first place such a station must, as a rule, be "double decked"; that is, the express track platforms will be on a separate level (preferably a lower one) from the local track platforms.

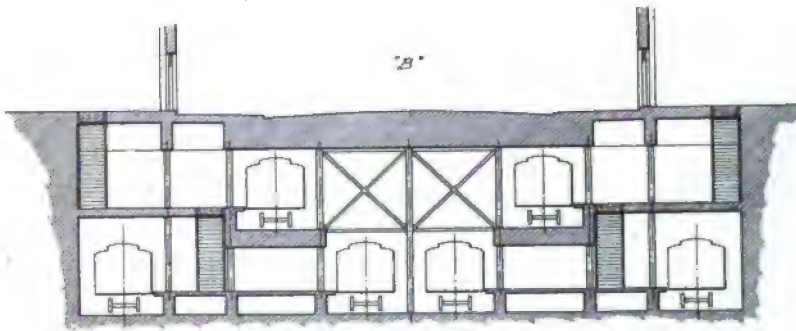
In the next place, a decision must be reached as to whether or not separate platforms are to be provided for loading and for unloading the passengers. The policy of the extent of the transfer privilege from local to express service, and vice versa, must also be decided and lastly, the question as to how intimate a connection should be arranged between two intersecting Subways must be settled. To show the flexibility of the double decked station for furnishing a solution to these various demands, a number of possible arrangements are shown as follows:



ARRANGEMENT A.

Double Decked Station with Six Tracks, Four on Upper Level.

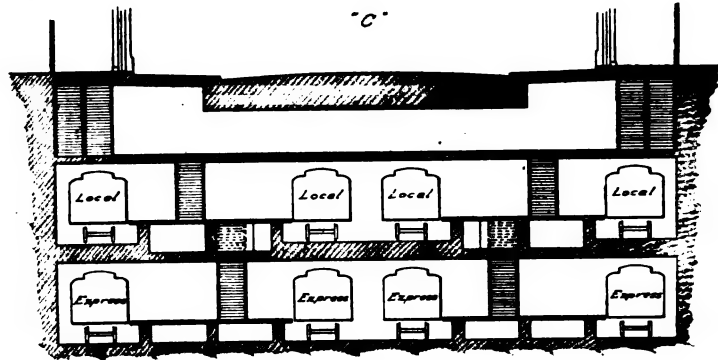
This diagram shows the simplest form of a reservoir station. Four tracks are shown on the upper level and two tracks on the lower level with a transfer connection between. The advantage of this arrangement is the easy transfer accommodations between all trains without excessive depth of station or length of travel for the passengers. The disadvantages are the use of kiosks to receive and deliver the passengers from and to the street and the use of the upper platform not only for loading and unloading all of the passengers patronizing the trains served by the upper platform but also the use of this same platform by the passengers passing to and from the lower level trains.



ARRANGEMENT B.

Double Decked Station with Six Tracks, Four on Lower Level.

This diagram shows the same number of tracks as the previous diagram, but by placing the two single tracks on the upper level they can occupy a space between the other two tracks and thus cut down the head room required for the station. This makes it possible to reduce by about 5 feet the depth from the street to the platform on the lower level and the common station platform can be located so that the entrance to it and exit from it need not be through a kiosk on the curb but can be through the basement of an adjoining building. The transfer privilege from trains going in one direction to trains going in the opposite direction has not been provided for by this station design.

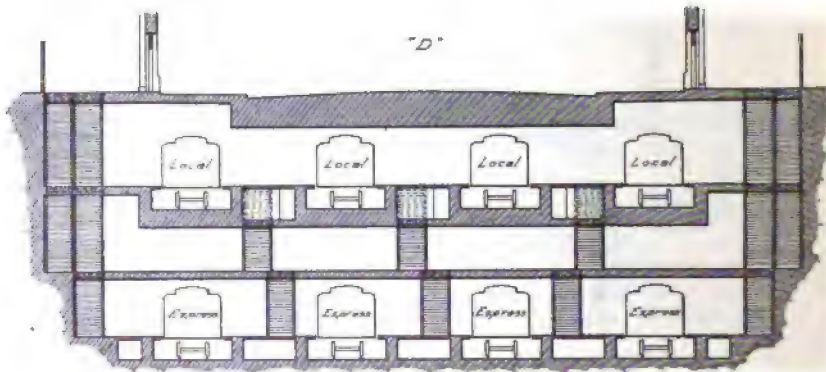


ARRANGEMENT C.

Double Decked Station with Eight Tracks, Transfer Platform on Upper Level.

If both the local tracks and the express tracks are to be provided with double tracks at the transfer stations and a general means of transferring from and to all trains is desired, then an arrangement similar to that shown by this or the next diagram will be desirable.

In this diagram the station concourse or common platform is shown on the upper level and the passengers descend to all trains, the disadvantage being that the passengers using the lower trains must climb or travel by escalators further than the passengers using the upper trains. This arrangement does not provide for loading passengers from one side of the car and unloading them from the other side.



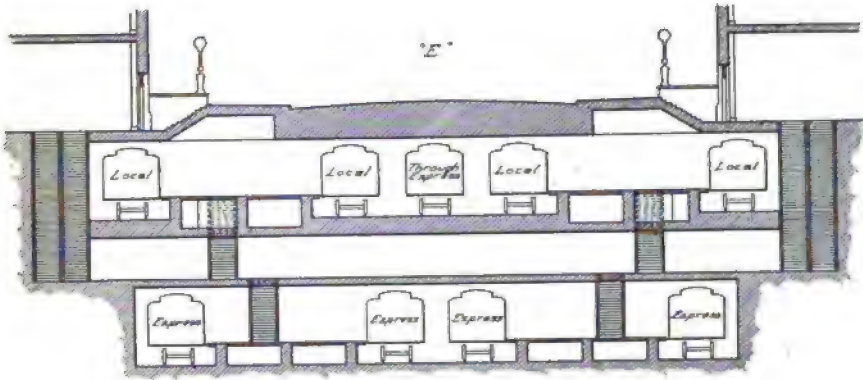
ARRANGEMENT D.

Double Decked Station with Eight Tracks, Transfer Platform on Intermediate Level.

To overcome the disadvantages of the previous design, the arrangement shown by this diagram is suggested.

In this station all passengers are treated approximately alike; that is, all passengers travel about the same distance in passing from and to the trains. The common station concourse or transfer platform is reached by escalators and stairways from a station entrance located back of the building line and from this platform all passengers pass up or down one flight of stairs to reach their trains.

All trains are served by separate island loading and unloading platforms so arranged that cars with many doors along the sides can be used to best advantage as the loading passengers can be controlled at the entrance to the platforms, instead of at the car doors.



ARRANGEMENT E.

Double Decked Station with Through Express Tracks, Transfer Platforms on Intermediate Level.

This drawing shows the possible arrangement of an intermediate station with provision for an odd through express or rush hour track, the trains of which do not stop at the station.

In the construction of any future trunk line Subway the use of such a supplemental rush hour track to take the peak long haul load in one direction in the morning and in the opposite direction in the evening should receive careful consideration.

Island platforms are indicated with common platforms for both loading and unloading but this is done only to show that the double deck station can be adapted to the use of any type of car and does not necessarily mean the use of the multi-side door car shown in the previous drawing. If desired, this station could be provided with separate loading and unloading platforms.

At terminal stations the through express tracks must be provided with platforms and these tracks should also separate into two station tracks if the principle of using all tracks to their highest carrying capacity during rush hours is to be consistently carried out.

TYPICAL STATION PROPOSED FOR FUTURE SUBWAYS.

(See Plate No. I.)

If double tracks are provided at the principal stations of future Subways to receive the trains operating over each single line, then much of the delay in handling trains which occurs at the stations in the present Subway can be avoided. Under this arrangement, each station will act as a reservoir to equalize and maintain at its maximum the flow of trains between stations and this will make it possible to operate 60 trains per hour over one line whereas it is possible to run but 40 trains an hour when the trains remain upon the main line when making station stops.

This idea can best be carried out by not only double decking the transfer stations but also, where practicable, double decking the Subway itself—between stations. The express trains should occupy the two lower tunnels and the local trains the two upper tunnels on account of the more frequent stops of the local trains. Each separate tunnel between stations which in the present Subway is occupied by but one set of rails, should preferably be provided with a double set of rails thus not only providing guard rails but also avoiding the complication and danger in operation of switch points at each reservoir station turn out.

In the station, between the two levels devoted to the trains, should be located a main concourse reached directly by escalators and stairs from the station entrances. From this large common station platform, stairways should lead to separate loading and unloading platforms serving all trains, thus making it possible to use cars with many side doors. During rush hours the number of passengers reaching a loading platform could be controlled by gates at the stairways and thus this station design provides means of setting up and maintaining a circulation of passengers in and out and to and from the trains which would add much to the comfort of Subway travel.

The intermediate level can be taken advantage of to allow crosstown trains to pass directly through the station as shown by the drawing, thus providing an easy way of transferring from one system to another. Should it ever become necessary to require transfer slips from passengers transferring from crosstown Subways to the North and South Subways or vice versa, due either to separate operating companies or to the necessity of making an increased charge for this privilege, this type of station is well adapted for quickly and comfortably handling passengers under such a plan.

The station entrances should be, wherever possible, from the inside of permanent buildings located back of the property line and not from kiosks occupying valuable sidewalk space. In most localities the diversion of a stream of passengers through a building as is now done, for instance, at the Times Square station of the present Subway, could be taken advantage of to enhance the commercial value of the property

and this rise in value should be used to reduce the burden of the first cost of the station.

Many more passengers will be handled each day through many Subway stations of this kind than will be accommodated by either the New York Central or the new Pennsylvania, New York City, terminals and therefore more importance should be attached to Subway station designs in the future than has been thought advisable in the past.

CONCLUSIONS.

The facts brought out in this report upon the Capacity of the Subway may be briefly recapitulated as follows:

(1) The present Subway, although carrying more passengers than it was originally designed to handle, lacks sufficient passenger carrying capacity under the conditions that it is now operating to pay a fair return on the investment and at the same time allow for a suitable depreciation reserve.

(2) The present Subway is also defective in not having sufficient passenger carrying capacity to take care of the demands of transportation along its route during the two rush-hour periods of the day; that is, the Subway is lacking in what might be termed *overload capacity*.

(3) The headway and therefore the *capacity* of the *present Subway* is governed by the "*station headway*"; that is, the number of trains is limited by the number that can be passed through the *limiting station*. The capacity of *future* Subways should be limited only by the number that can safely be passed over the tracks *between stations*.

(4) The present rate of train movement of 30 trains per hour in one direction upon each track can be increased to 40 trains per hour by

a—Installing automatic closing door signals upon the cars;

b—Providing speed control signals auxiliary to the present block signal system at the approaches to the stations;

c—Altering the cars to provide more doors in the sides of each car.

These changes have been discussed in detail in Reports Nos. 1, 2 and 3.

(5) To most effectively secure the benefit of these changes the cross-overs in the tracks north of 96th Street station should be removed in accordance with the plans, which have already been approved by the Public Service Commission.

(6) The 96th Street changes can be made still more effective by adding to these plans, the feature of double decking described in this report, and shown on Plate II, thus providing two additional express tracks in the station.

(7) To secure the same capacity for the Brooklyn extension that will eventually be obtained for the Manhattan Subway, a plan for handling the South Ferry passengers should be worked out so that all express trains can be run through the Brooklyn tubes, thus increasing their present capacity at least 33%.

(8) The train capacity of the Subway cannot be increased by increasing the speed of the trains as the increased length of the signal blocks necessary for the higher speeds more than offsets the advantage of the increased speed.

(9) The capacity of the Subway can be increased by greater care in using the brakes at the stations. Very little effect upon the capacity can be expected by improving the acceleration of trains.

(10) Considerable improvement in the capacity can be secured by running longer trains and a movement in this direction should be started as it will eventually be found desirable to run 7-car local trains and 10-car express trains, both at the rate of 40 trains per hour. When this is done the capacity of the present Subway will be increased 75% which is the maximum increase in capacity of the present Subway that can be expected without double decking the stations which for reasons previously given seems to be prohibitive.

(11) While double deck cars in Subways are impracticable, the possibility of using wider cars should be thoroughly considered in making plans for future Subways, as there is apparently no difficulty in the way of using wider cars for such Subways except the question of transferring the equipment between the present Subway and future ones.

(12) To secure the maximum possible capacity of future Subways, tests should be made to determine more accurately than has been done, the braking distance required to bring a Subway train to rest from full speed when the emergency stop is used.

(13) An improvement in the block signal system which will have a material influence upon increasing the capacity of future Subways can be secured by developing a traveling caution signal to act in conjunction with the present fixed one.

(14) Moving platforms have practically double the seating capacity of 10-car trains running upon 60-second headway, but on the other hand these moving platforms have a speed of only one-half the schedule speed of the train, and therefore the train method of operation is to be preferred for long distances.

(15) In order to secure maximum capacity for future Subways these Subways should be designed with double decked stations provided with double tracks for each main line and the cross section of the Subway between stations should also where practicable be double decked; this plan will allow the operation of 10-car trains on a 60-second headway on each track thus providing a carrying capacity of three times that of the present Subway.

RECOMMENDATIONS.

The improvements suggested in this report may be summarized as follows:

(1) The changes required in the present Subway to increase its capacity from 30 trains an hour to 40 trains an hour, with a marked increase in its earning capacity, should be carried out; that is, the block signal system should be improved, a speed control system developed and the cars altered, all in accordance with recommendations made in my Reports Nos. 1, 2 and 3.

(2) The 96th Street alterations should include not only the removal of the cross-overs as already approved by the Commission but also the altering of the station itself to provide a local track upon a lower level, allowing the four tracks upon the present level to be used by the express trains.

(3) A shuttle train service for the South Ferry station should be provided at once and a comprehensive study should be made of a plan for a double decked station at this point which would not only give all South Ferry passengers a station on the main line, thus eliminating the shuttle train service, but also allow all trains to run through to Brooklyn.

(4) The braking of the trains at the stations should be improved so as to save the 5 seconds which is now often lost by lack of skill in stopping the trains.

(5) One car should be added to the rear of each local train during rush hours and the public should be encouraged to use this extra car upon the local trains, which, although not reaching the platforms, could be used for through travel with the idea of adding even more cars to the trains if the public can be educated to take advantage of this increased accommodation.

(6) A series of braking tests showing the distance required to stop a train by means of the emergency stop from full speed should be made in order to secure reliable data for planning the block signal systems for future Subways.

(7) The manufacturers of block signal systems should be encouraged to develop a traveling caution signal to supplement the present fixed caution signal, as this signal could be installed to advantage not only in the present Subway but in future Subways.

(8) If future Subways are to be built and operated independently of the present one, the plans should be made with the idea of using multiple side door cars 18 inches wider than the present cars thus adding at once 25% to the capacity of each car and increasing the possible carrying capacity of such Subways without proportionately increasing their first cost.

(9) In order that future Subways shall not only pay a fair return on their investment but also allow for a satisfactory depreciation reserve, it is essential that such Subways be located where there is sufficient density of traffic to justify their being built and at the same time they should be so designed as to handle the volume of

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traffic which must be passed through them during rush hour periods in order to make them self sustaining.

(10) All future trunk line Subways should be designed with stations on the reservoir principle, that is with double tracks in each station for each main line track. This can best be accomplished by not only double decking the stations, but also double decking the Subways between stations and by this method secure the carrying capacity necessary to justify the occupancy of the street and at the same time produce a property which will justify its cost. Where a crosstown Subway is to be provided for, the stations should be triple-decked.

APPENDIX TO REPORT UPON THE CAPACITY OF THE SUBWAY.

The drawings and diagrams which illustrate graphically the technical points of the report upon the capacity are included in this appendix. These drawings and diagrams are as follows:

Figure 1—Proposed Changes at 96th Street:

Plan I. Present Arrangement of Tracks at 96th Street.

Plan II. Rearrangement of Tracks at 96th Street Approved by Public Service Commission.

Plan III. Rearrangement of Tracks at 96th Street with Double Deck Station.

Figure 2—Braking Curves.

Figure 3—Comparative Deceleration Curves.

Figure 4—Time Required to Stop Trains.

Figure 5—Comparative Acceleration Curves.

Figure 6—The Car Capacity of the Subway.

Figure 7—The Value of One Second.

Figure 8—Minimum Headway.

Figure 9—Car Capacity, Seating Capacity and Carrying Capacity of Trains Compared to the Seating Capacity of a Moving Platform.

PLATE I.

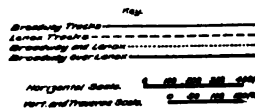
SECTION OF TYPICAL RESERVOIR STATION FOR FUTURE COMPREHENSIVE SUBWAY SYSTEM FOR NEW YORK CITY AND ENVIRONMENTS. SHOWING CROSSTOWN SUBWAY PASSING BETWEEN HIGH AND LOW LEVEL NORTH AND SOUTH SUBWAYS.

PLATE II.

SECTION OF PROPOSED REARRANGEMENT OF NINETY-SIXTH STREET STATION OF THE INTERBOROUGH RAPID TRANSIT COMPANY OF NEW YORK, TO PROVIDE TWO STATION TRACKS FOR EACH OF THE PRESENT EXPRESS TRACKS BY CONSTRUCTING NEW TRACKS ON A LOWER LEVEL FOR THE PRESENT LOCAL TRAINS.

(For Plates see end of report.)

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PROPOSED CHANGES AT 96TH STREET.
FIGURE I.

PRESENT ARRANGEMENT OF TRACKS AT 96TH STREET.

Plan A.

Figure 1.

At the present time, the 96th Street station is served by two express tracks and two local tracks, the general arrangement being as shown by Plan A, Figure 1.

Just north of the station platform, cross-overs are provided, one cross-over connecting the north bound tracks and the other cross-over connecting the south bound tracks.

Of the four tracks north of these cross-overs, the two center tracks are used for the Lenox trains and the two outer tracks for the Broadway trains.

The two center or Lenox tracks drop down on a grade of about 0.5% until they pass directly under the Broadway tracks and branch off at 103rd Street.

At 100th Street on the Broadway line, a third track is introduced upon the upper level connected by means of a cross-over to the outside Broadway tracks and this third track is used for express trains to and from 137th Street.

The disadvantages of the present arrangement are the two track crossings or cross-overs at grade, and the operation of both the Broadway local and express trains over the same track from 97th to 100th Street. Both of these defects cause considerable delay in the operation of the trains particularly during rush hour periods.

REARRANGEMENT OF TRACK AT 96TH STREET APPROVED BY PUBLIC SERVICE COMMISSION.

Plan B.

Figure 1.

The change proposed and approved is intended to do away with the two grade crossings and at the same time furnish two additional local tracks, both North bound and South bound. This arrangement is shown by Plan B, Figure 1. The tracks for the Broadway local trains will connect with the Broadway local tracks at points north of the cross-over which serves the center express track, in such a way that the Broadway local trains can enter and leave the 96th Street station without interfering with or being hindered by the express trains using the center tracks.

The arrangement allows for the introduction of these local tracks outside of the present Subway walls and the two tracks on each side are connected at the station end so as to use one opening in the wall.

As soon as the local tracks pass through the walls at 96th Street, each track is divided into two separate tracks, one for the Lenox local trains and one for the Broadway local trains. These two tracks run side by side at the same grade, which is that of the present Broadway line, until near 98th Street where the Lenox Avenue tracks drop down on a 2.1% grade which continues until the difference in elevation is sufficient

to allow the Lenox tracks to pass beneath those of the Broadway line. In this position with one set vertically above the other, they connect with their respective tracks.

The express tracks under the new arrangement remain as at present.

This arrangement, by eliminating the grade crossings, will add to the promptness with which trains can at present be passed through 96th Street sufficiently to justify the investment of \$850,000 which will be required to make the changes. Incidentally the four additional tracks will provide an additional advantage of a storage space for trains, both North bound and South bound which will add materially to the flexibility of train movements between the two branch lines and the four tracks of the main stem.

REARRANGEMENT OF TRACKS AT 96TH STREET WITH DOUBLE DECK STATION.

Plan C.

Figure 1.

The only difference between Plan B and Plan C is the addition of two extra tracks in the 96th Street station itself. It is proposed to locate these tracks on a lower level than the present tracks and next to the building lines as shown by the cross section drawing in Plate II. The use of these additional tracks for the local trains would allow the four present tracks in the station to be utilized exclusively for express service. It is proposed, under this arrangement, to connect the present outer tracks to the central express tracks directly south of the station and to separate the Lenox express trains from the Broadway express trains at this point instead of as at present at a point directly north of the station.

The local tracks would start on a down grade south of the station so as to reach the lower level by means of a grade not exceeding 2%. The two sets of local tracks directly north of the station would be connected as in Plan B but instead of breaking through the wall of the Subway, would be connected directly to the new local tracks in the station on the lower level. After the local tracks divide, one would rise on an easy grade to connect with the Broadway local tracks and the other would remain at the lower level and connect with the Lenox Avenue tracks directly under the Broadway connection.

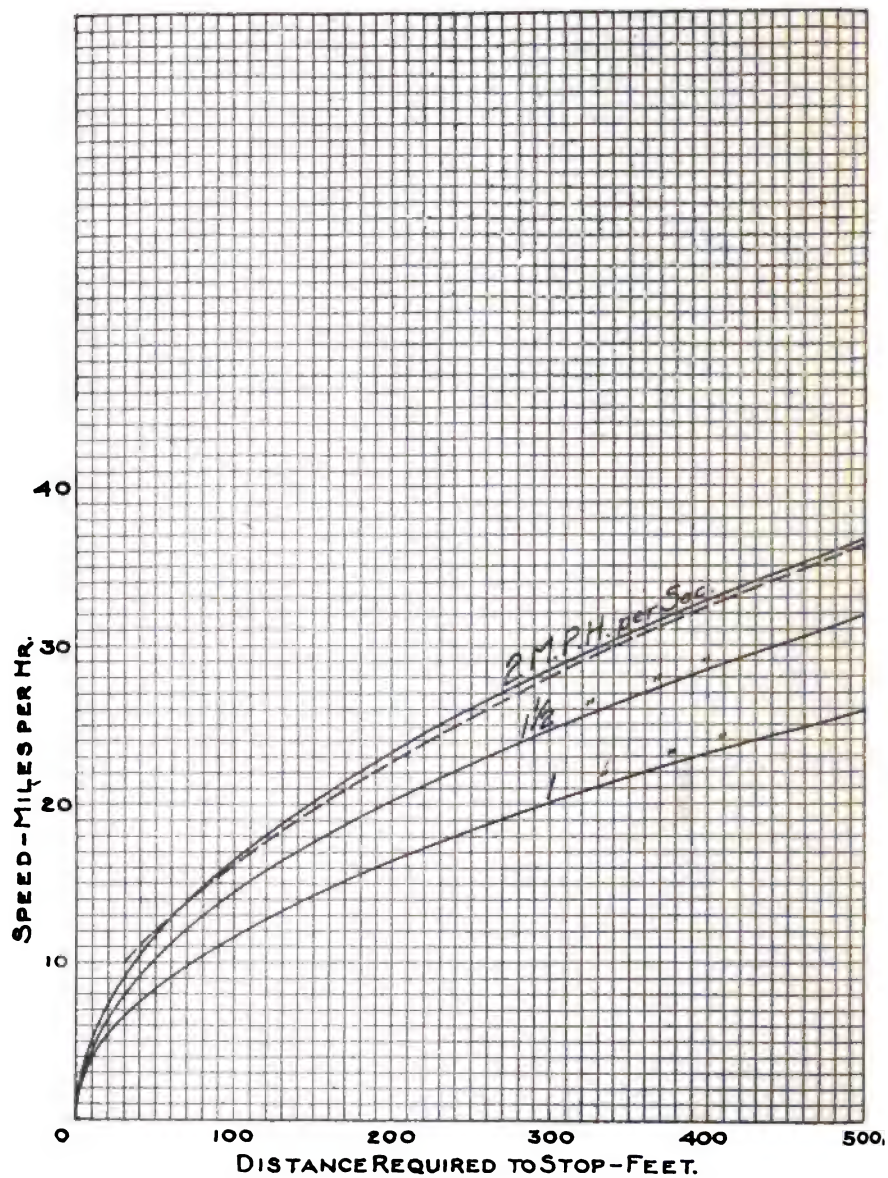
The advantage of the arrangement shown in Plan C over the arrangement shown in Plan B is that additional storage space would be provided for the express trains at the station platforms so that the express trains running in either direction would have ample time to load and unload passengers while waiting for the signal to proceed, whereas with the former plan if an express train were at the platform the following express train would have to wait until the first train had entirely left the platform. Thus the improved arrangement would greatly increase the capacity

of the 96th Street station so far as express trains are concerned and leave the local track capacity the same as it is at present.

The fact that the platform for local trains would be at a different level from the express platform would serve to discourage the large amount of unnecessary transferring which now occurs at 96th Street. At the same time, the transfer privilege would not be removed.

Note:

By installing an additional cross-over at 102nd Street between the center track on the Broadway division and the two outside tracks, it would be possible to run the trains, which have used this third track, upon the local tracks south of 96th Street. This connection can be used in case it is found advisable eventually to start 10-car express trains at 137th Street on the Broadway line stopping at Manhattan Street, 116th Street, 110th Street, 103rd Street and 96th Street and then operating these trains as express trains south of 96th Street.



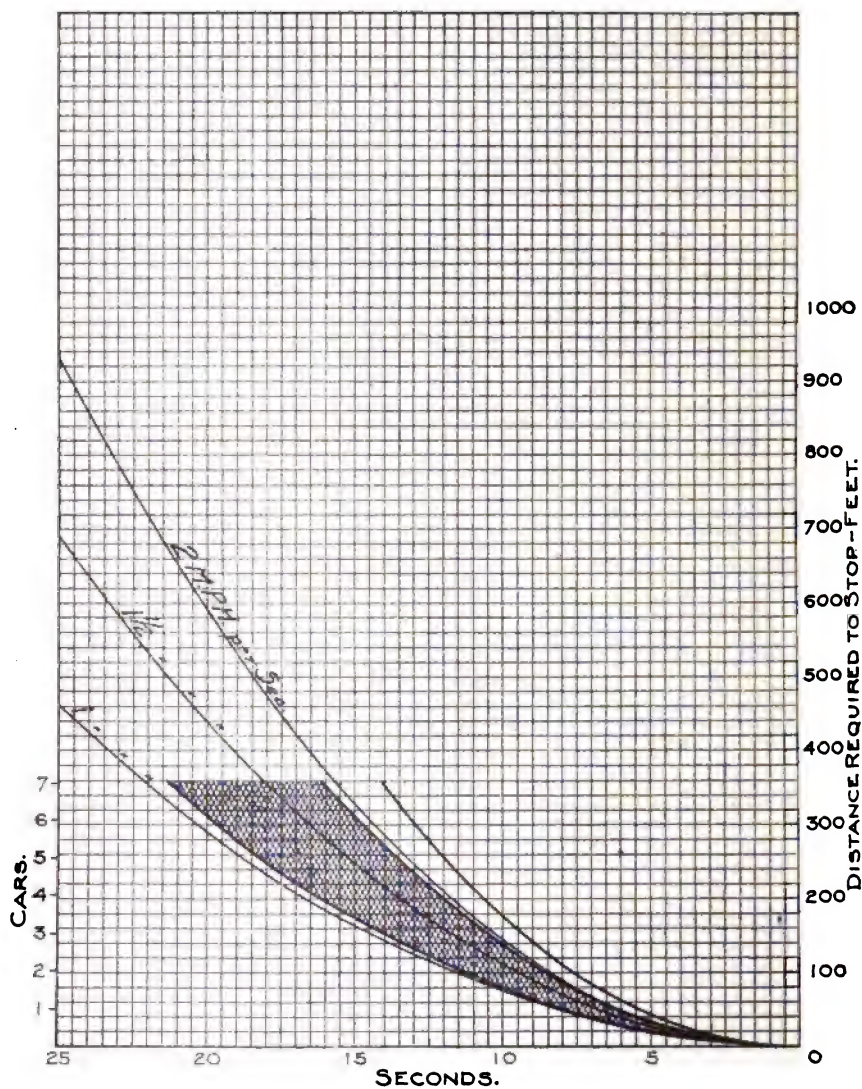
BRAKING CURVES.

FIGURE 2.

BRAKING CURVES.

Figure 2.

This diagram shows the distance in feet required upon a straight and level track to bring a train to rest from different initial speeds in miles per hour and at various rates of deceleration. For instance, to stop a train from 26 miles an hour in 26 seconds or at the uniform rate of retardation of one mile per hour per second will require 500 feet, whereas to stop this same train in 13 seconds or at the rate of 2 miles per hour per second will require but 250 feet. The dotted lines indicate the curve of braking distance which was used in laying out the Subway signal system and it will be seen that this curve, constructed from test data, corresponds very nearly to the theoretical curve of 2 miles per hour per second. The fact that with improved brakes it is possible to stop a train at the rate of $2\frac{1}{2}$ miles per hour per second or greater suggests that possibly the braking distance—and therefore the lengths of the blocks and the headway—can be correspondingly reduced.



COMPARATIVE DECELERATION CURVES.

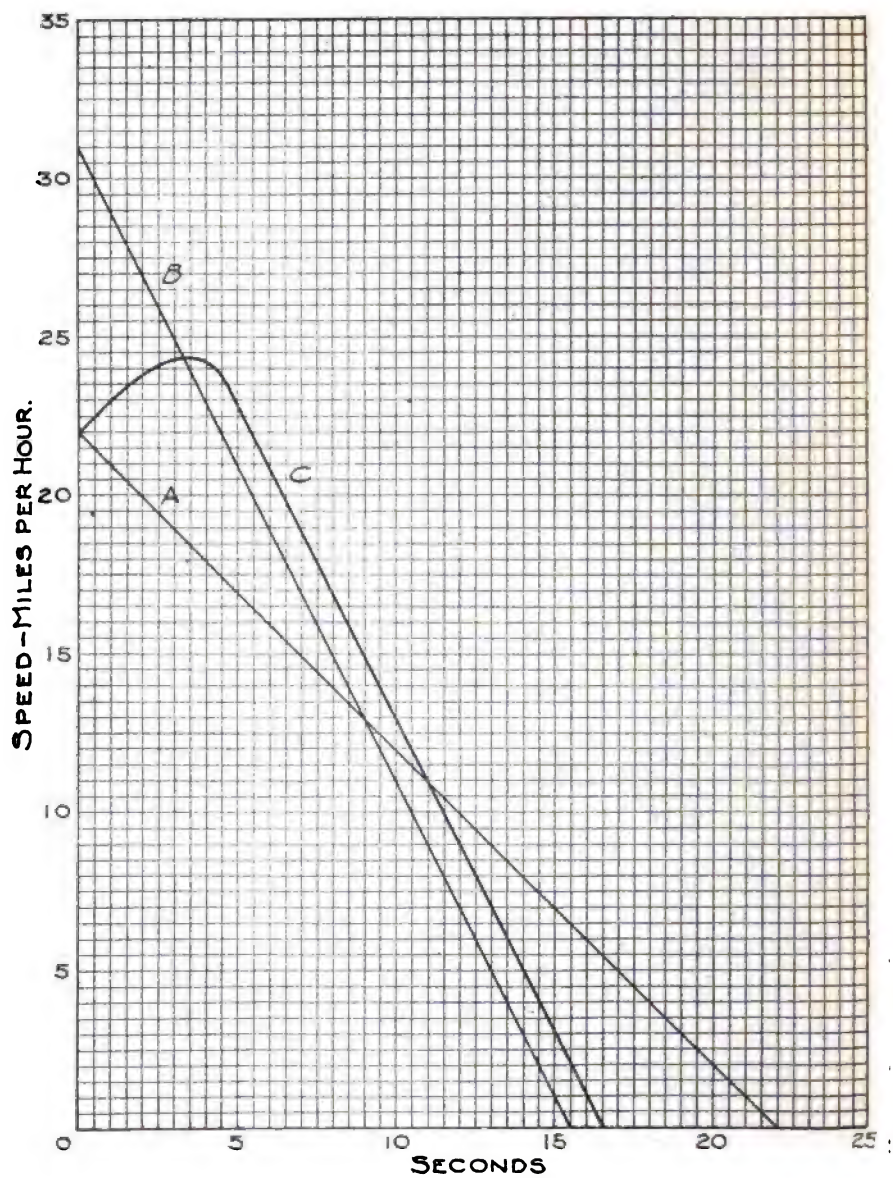
Figure 3.

COMPARATIVE DECELERATION CURVES.

FIGURE 3.

This diagram shows the number of *seconds* required to stop a train at various rates of deceleration. The length of an express station platform is 350 feet. If the head end of a train coming to a stop at this platform runs the length of the platform in $15\frac{1}{2}$ seconds the train is braking at an *average* of 2 miles per hour per second. If, however, the time to run the length of the platform is 22 seconds, then the rate of retardation or braking is an *average* of but one mile per hour per second.

The shaded portion of the diagram covers points of observation which were made on a great many trains and indicate that the braking practice in the present Subway is varying through wide limits. In bringing a train to a rest at the station platform, many motormen take at least 5 seconds longer than other or more skilled motormen. The single curve indicating a stop in the length of the platform of 14 seconds is the result of one observation in which an exceptionally quick stop was made but this stop shows the possibilities of eventual improvement.



TIME REQUIRED TO STOP TRAINS.

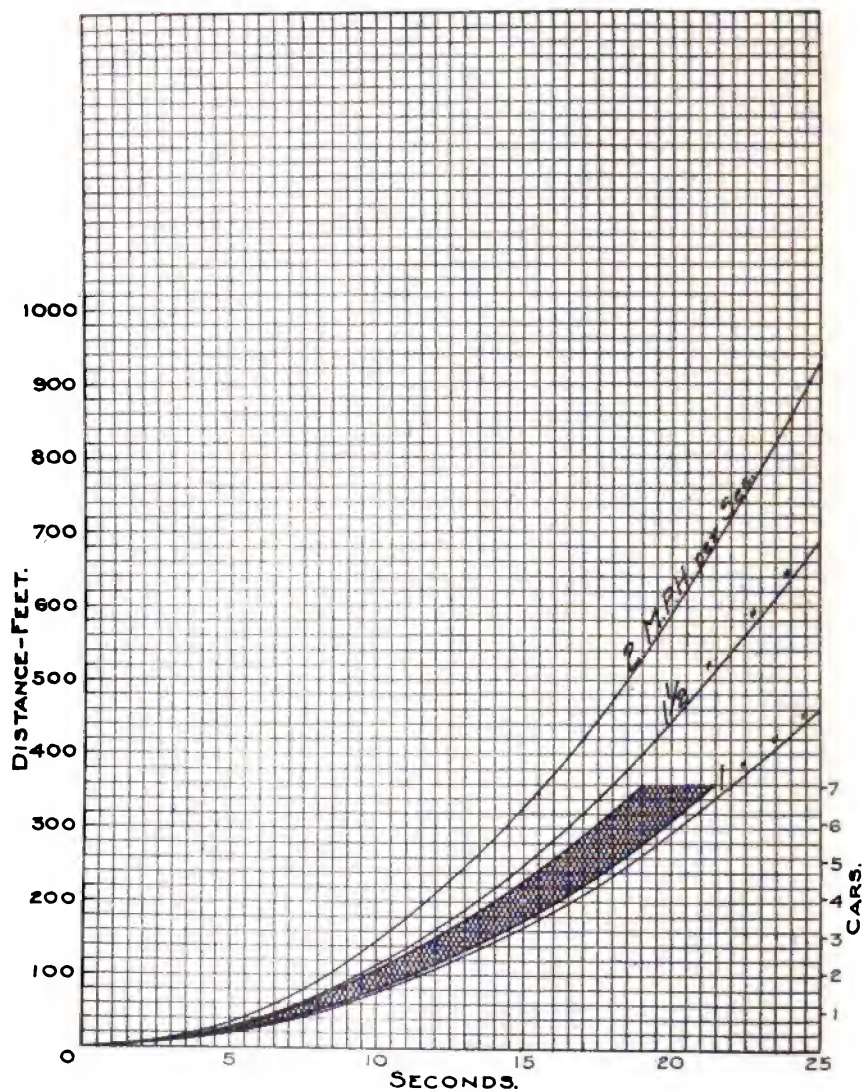
FIGURE 4.

TIME REQUIRED TO STOP TRAINS.

Figure 4.

In this diagram Curve A shows a train reaching the platform at a speed of 22 miles an hour and stopping in 22 seconds or at the rate of one mile per hour per second. Curve B shows the train stopping in $15\frac{1}{2}$ seconds from a speed of 31 miles per hour or a deceleration rate of 2 miles per hour per second. Curve C shows the first train which reached the platform at 22 miles per hour—accelerating first to about 24 miles per hour and then decelerating at the rate of 2 miles per hour per second thus coming to a stop in $16\frac{1}{2}$ seconds instead of 22 seconds. This latter curve shows the method of stopping which should be followed by all trains. An indicator should be located 100 feet from the entering end of the platform and the motormen should be trained and instructed to reach this indicator with their trains running at a pre-determined speed. The motormen become sufficiently expert in judging the speed of the train to make this rule practicable and it can be carried out without the use of speed indicators in the motorman's cab.

A strict adherence to this rule would reduce the operating headway of the present Subway by at least 5 seconds and there is no other improvement possible which will add so much to the capacity of the Subway in proportion to the amount of investment involved:



COMPARATIVE ACCELERATION CURVES.

FIGURE 5.

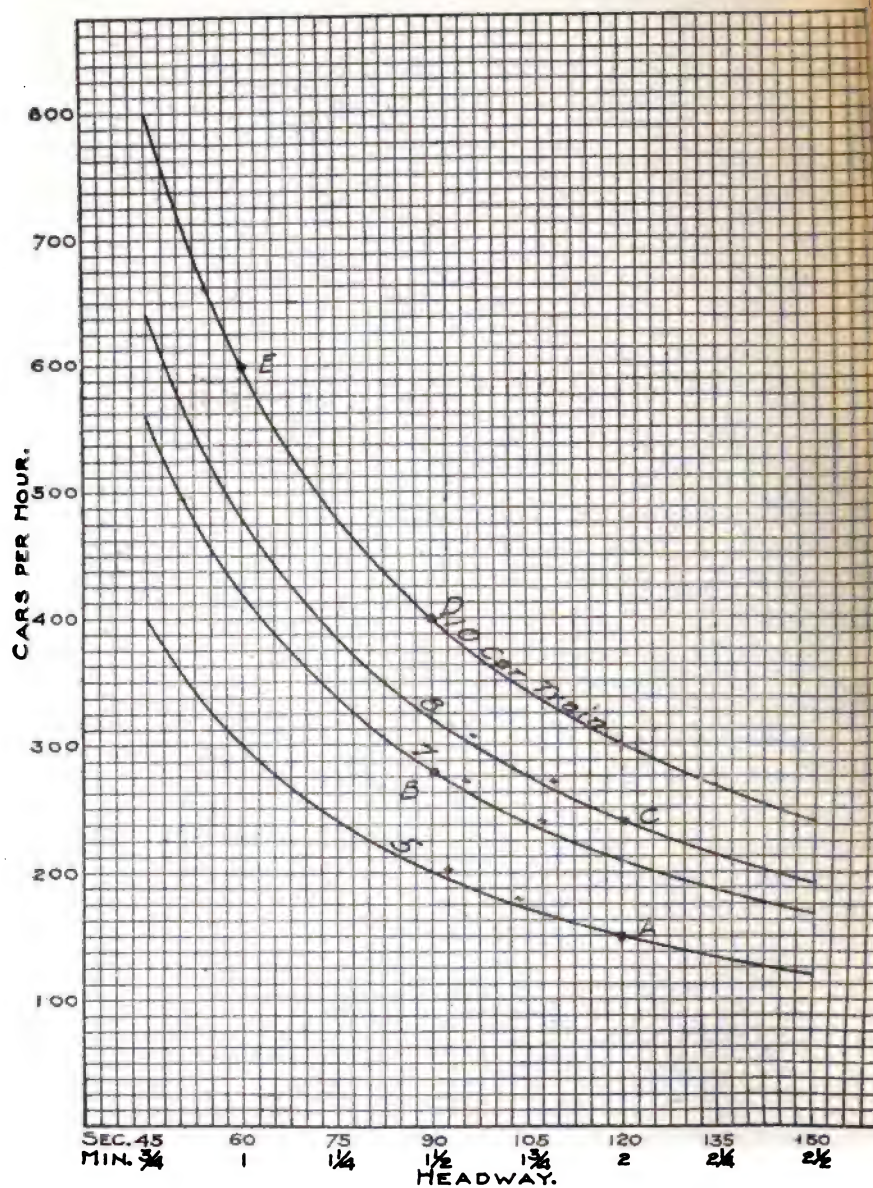
COMPARATIVE ACCELERATION CURVES.

Figure 5.

This diagram shows the number of seconds required to accelerate a train through a distance equal to the length of 7 cars at various rates of acceleration. As in the braking curves, if the rate is 2 miles per hour per second, it will require $15\frac{1}{2}$ seconds to start from rest and run a distance of 350 feet, whereas if the rate is one mile per hour per second, it will require 22 seconds to run this distance.

In actual practice the acceleration is ordinarily accomplished within the limits covered by the shaded area; that is, the trains are accelerated at the rates between 1.1 and 1.4 miles per hour per second depending on the load, the motormen and the action of the controllers. It will be noticed that the difference between the most rapid acceleration and the slowest acceleration is very small.

The only way that the acceleration can be improved to any great extent is to change the gear ratios with the present motors or to add more motors per train. The possibilities in these directions will be discussed under a separate part of the report devoted to the question of motors and speed.



CAR CAPACITY OF SUBWAY
AS AFFECTED BY
NUMBER OF CARS PER TRAIN AND HEADWAY.

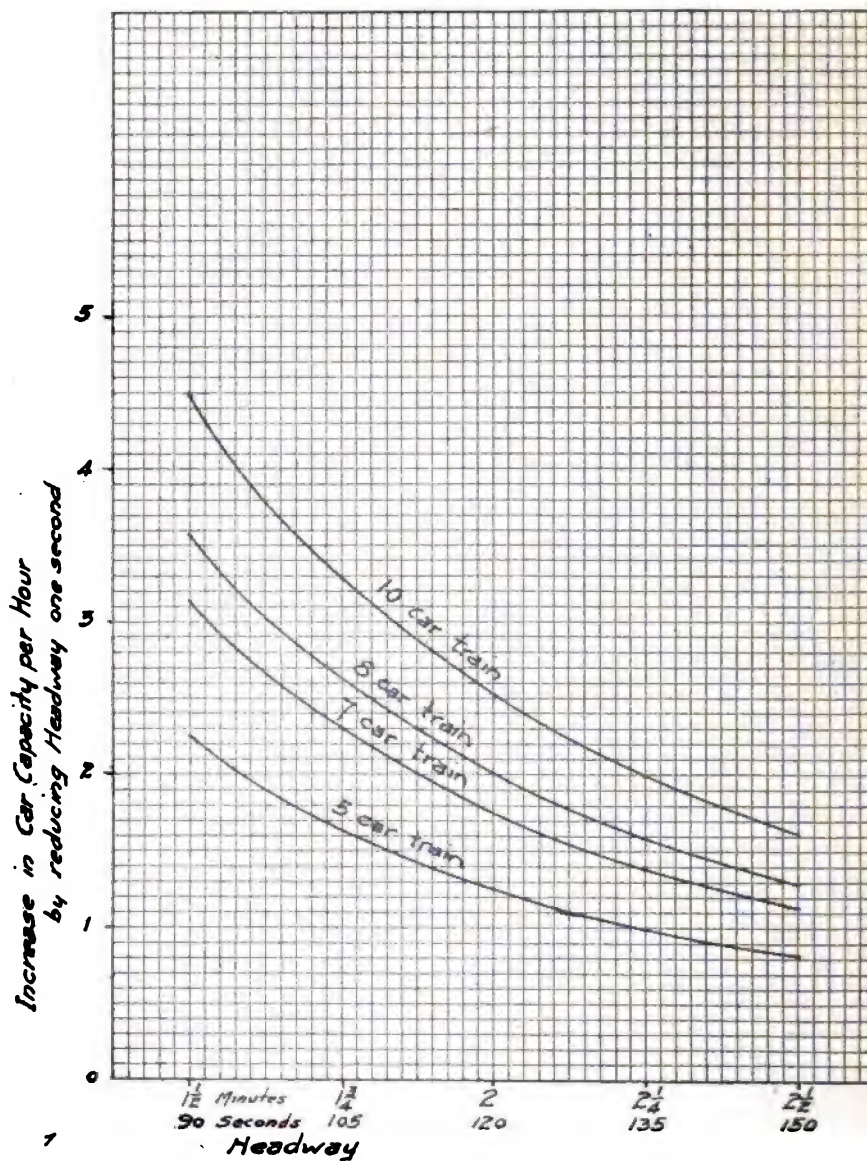
FIGURE 6.

THE CAR CAPACITY OF THE SUBWAY

Figure 6.

This diagram shows the total number of cars per hour on a single track in one direction with various headways and train lengths. The curves show at once the benefits to be expected by increasing the length of the trains. The curves are located on the diagram—

- A—Present Local Trains,
5-car train on 120 second headway.....
- B—Possible Local Trains,
7-car train on 90 second headway.....
- C—Present Express Trains,
8-car train on 120 second headway.....
- D—Possible Express Trains,
10-car train on 90 second headway.....
- E—For future Subways,
10-car trains on 60 second headway.....



THE VALUE OF ONE SECOND.

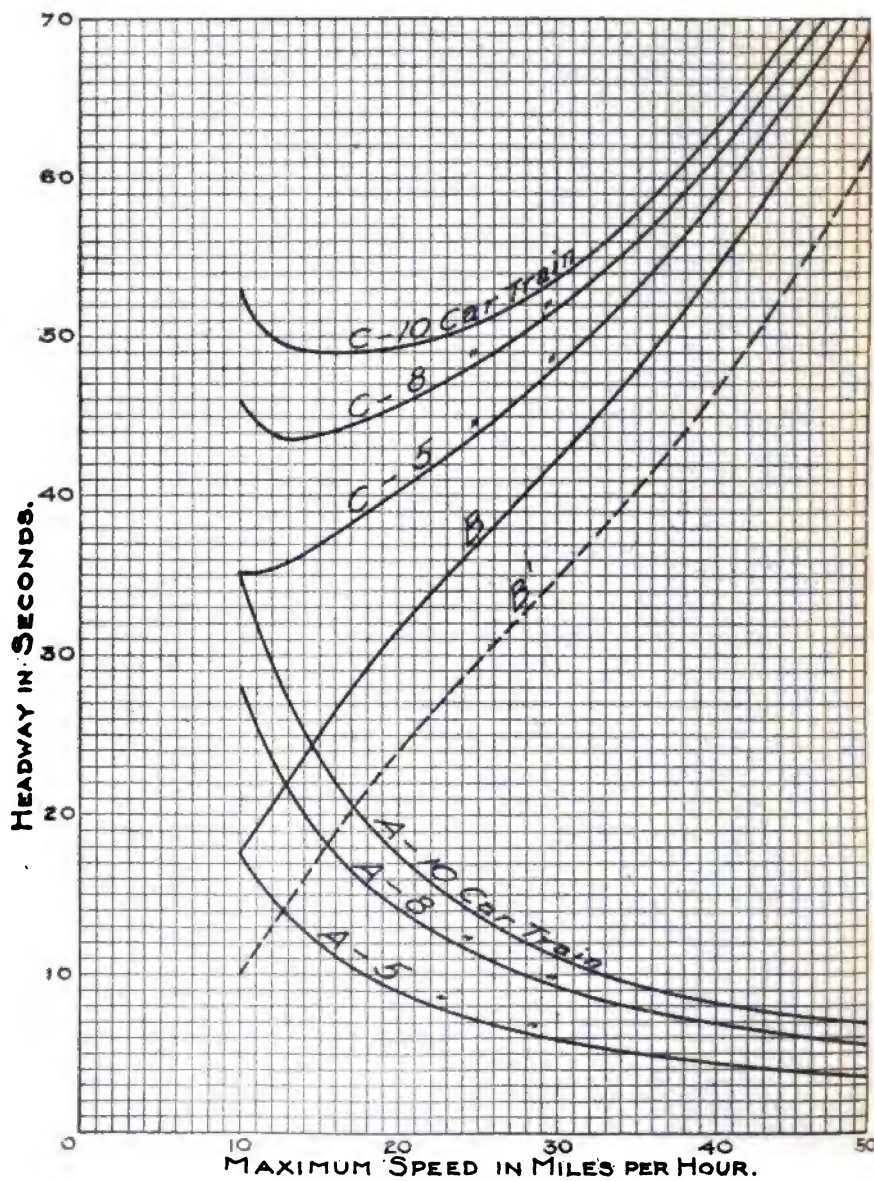
FIGURE 7.

THE VALUE OF ONE SECOND.

Figure 7.

The value of the saving of one second, or the influence on the car capacity of the Subway of reducing the headway one second from any given headway with any length of train, is shown graphically by Figure 7.

The advantage to be gained by saving one second in the actual, or operating headway, increases as the headway considered decreases and as the number of cars per train increases. For instance, if an 8-car express service operating on a headway of 2 minutes could be run on a headway of one second less, the car capacity of the Subway would be increased by two cars per hour. If, however, the headway is 90 seconds with 10-car trains a decrease or saving of one second would mean an increase in car capacity of $4\frac{1}{2}$ cars per hour. As the car capacity of the Subway is improved, the relative value of one second in the headway is thus greatly increased.



Key: A—Time required to run length of train.
 B—Safe time interval between head end of one train and rear end of following train.
 C—Minimum headway: A plus B.

MINIMUM HEADWAY.

FIGURE 8.

MINIMUM HEADWAY.

Figure 8.

This diagram shows the minimum "running" headway with different length of trains running at various speeds.

The minimum running headway between stations in the present Subway is the sum of the following factors—

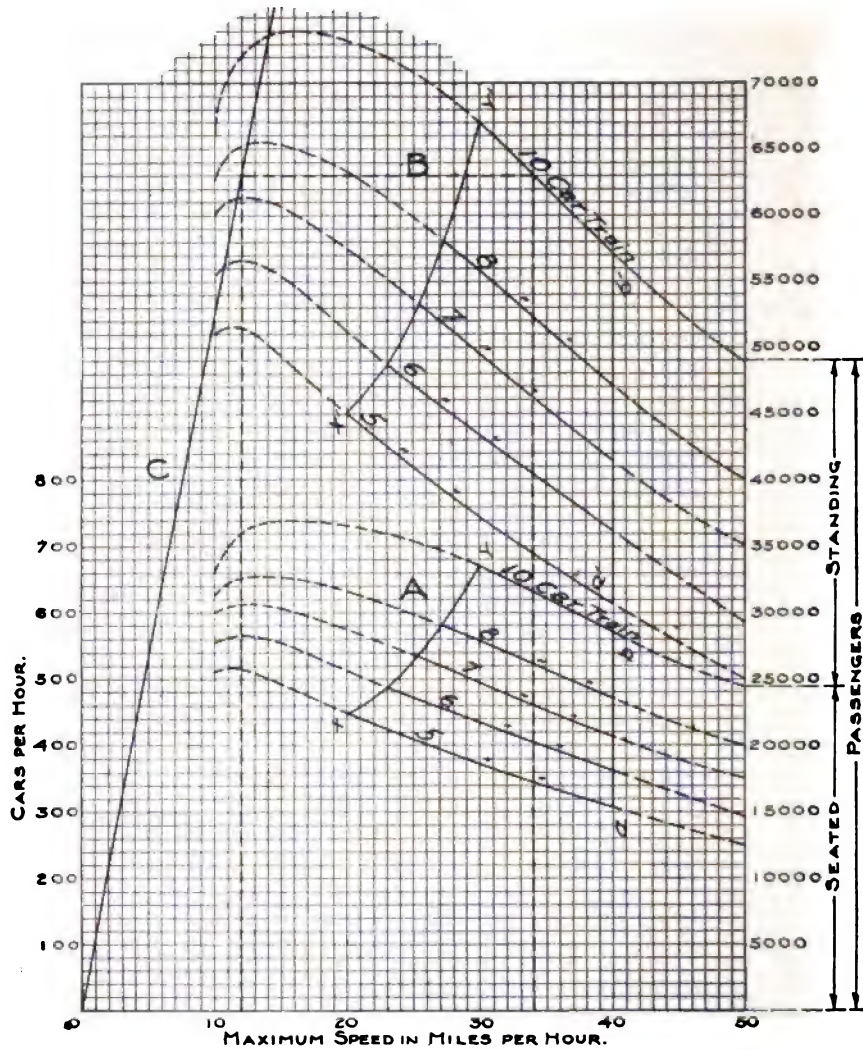
- (1) Time required for the train to run through three block sections, plus
- (2) Time required for the train to run its own length, plus
- (3) Time required for signals to operate, plus
- (4) Time required for motormen to observe signal and act.

In Figure 8, each of these elements has been plotted showing the time required for each one at various maximum speeds. In this Diagram Curve B-1 shows the time required for the train to run through three blocks of the signal system. Behind each train on the signaled tracks of the Subway there are three signals, two of which are danger signals opposite automatic stops on the track, and the third or last is a caution signal. It requires about $2\frac{1}{2}$ seconds for the caution signal to indicate clear after the preceding train has passed out of a block, and the motorman usually follows the direction of a signal at least five seconds before the train actually reaches the signal, so that $7\frac{1}{2}$ seconds' time has been added to Curve B-1 to obtain Curve B, which represents the safe time interval between the head end of one train and the rear end of a following train. This time interval increases nearly directly as the maximum speed increases on account of the fact that the distance, which determines the length of the signal system block, increases approximately as the square of the speed, whereas the velocity of the train which overcomes this increasing block distance varies directly as the speed.

On the other hand, the time required for the train to run its full length decreases directly with the speed as shown by Curves A for the different lengths of trains

The Curves marked C which show the increasing headway are the result of adding the values shown by Curves A and B. Curves C indicate that there is a minimum headway for each length of train, at which point the car capacity of the Subway for that particular length of train will be a maximum. For instance, with a 10-car train, the headway will be a minimum of about 49 seconds when the maximum speed of the train is 15 miles per hour. If the maximum speed is decreased below 15 miles per hour, the length of the block, and therefore the time required to run three times its length is decreased, but on the other hand the time required for the train to run its full length is increased at a greater ratio, and the corresponding headway is therefore increased. When the speed is increased above 15 miles per hour, the influence of Curve B is more apparent, and the headway increases as the maximum speed is increased.

These curves show that as the maximum speed of the train is increased above the critical speed, the minimum headway is increased, and the corresponding train capacity of the Subway, which is obtained by dividing the seconds in one hour (3600) by the headway in seconds is decreased; that is, after a critical maximum speed has been passed, the train capacity of the Subway cannot be increased by running the trains at a higher rate of speed.



CAPACITY OF SINGLE TRACK PER HOUR
COMPARED TO THAT OF
MOVING PLATFORM.

Key—
Curves A—Car capacity at various speeds on basis
of 50 seats per car.
Curves B—Car capacity at various speeds on basis
of 100 passengers per car.
Curve C—Capacity of moving platform on basis
of seating capacity per linear foot equal to that of cars.

FIGURE 9.

CAR CAPACITY, SEATING CAPACITY AND CARRYING CAPACITY OF TRAINS COMPARED TO
THE SEATING CAPACITY OF A MOVING PLATFORM.

Figure 9.

The curves marked A in this diagram show first, the number of cars per hour resulting from the operation of different lengths of trains at various speeds. These curves were obtained by dividing the seconds in an hour by the headway in seconds shown by Figure 8 and then multiplying by the number of cars in the train. They indicate that although the headway of trains at a given speed increases with the length of the train, thus making it necessary to run the longer trains at greater intervals, the extra number of cars in the longer train more than compensates for the loss in the actual rate of train movement and therefore the greater the length of the train, the greater the possible car capacity.

The maximum speed of the present Subway cars with motors on about 60% of the cars is 40 miles per hour. A vertical line (a. b.) has been shown on the curves at this 40-mile speed to indicate this limit.

All the blocks of the present signal system are equal to at least the length of the longest train. If this rule is followed, then the minimum length of block will be the length of the train and the minimum distance between trains will be three times this minimum length. Another line (x. y.) cutting the capacity curves and indicating the limit of maximum capacity with blocks shortened to the length of the train is shown on Curves A.

Between these two limit lines (a. b. and x. y.) will be found the possible car capacity of any Subway with different lengths of trains running at various speeds.

A scale has been added to the right of the curves indicating at once the seating capacity of a Subway corresponding to any given car capacity on the basis of 50 seats per car. These figures show that the maximum seating capacity may vary from 15,000 seats with 5-car trains running on a maximum speed of 40 miles per hour, to 33,500 seats with 10-car trains running at a maximum speed of 30 miles per hour with signal blocks, in the latter case equal in length to that of the train.

Curves B show the passenger carrying capacity on the basis of an average of 100 passengers per car—that is with as many passengers standing as are seated. These curves between the limits of a. b. and x. y. indicate that the maximum passenger carrying capacity of one track of the Subway with 100 passengers per car varies from a minimum of 30,000 passengers per hour with 5-car trains to 67,000 passengers per hour with 10-car trains.

Curve C shows the capacity of a moving platform on the basis of one seated passenger per lineal foot of platform. This basis was arrived at by assuming that each seat on the platform would accommodate three passengers and that these seats are spaced transversely on the platforms a distance of 3 feet from back to back.

Such a platform moving at a uniform rate of 12 miles per hour would have a carrying capacity of 62,500 seated passengers per hour. This capacity (See Figure 9) will be seen to be exactly equal to the carrying capacity of a road operated with 10-car trains having a maximum speed of 34 miles an hour. In the train service, however, one-half of the passengers would be standing while with the moving platform seats for the entire number would be provided. If the 10-car trains do not make too frequent stops, an average schedule space of 24 miles per hour can be maintained, and it will thus be seen that if transportation facilities are to be supplied by means of trains instead of moving platforms, each passenger will be carried at twice the speed that can be expected from a moving platform, but in order to secure this extra speed and retain the total carrying capacity equal to that of the moving platform, one-half of the passengers must stand.

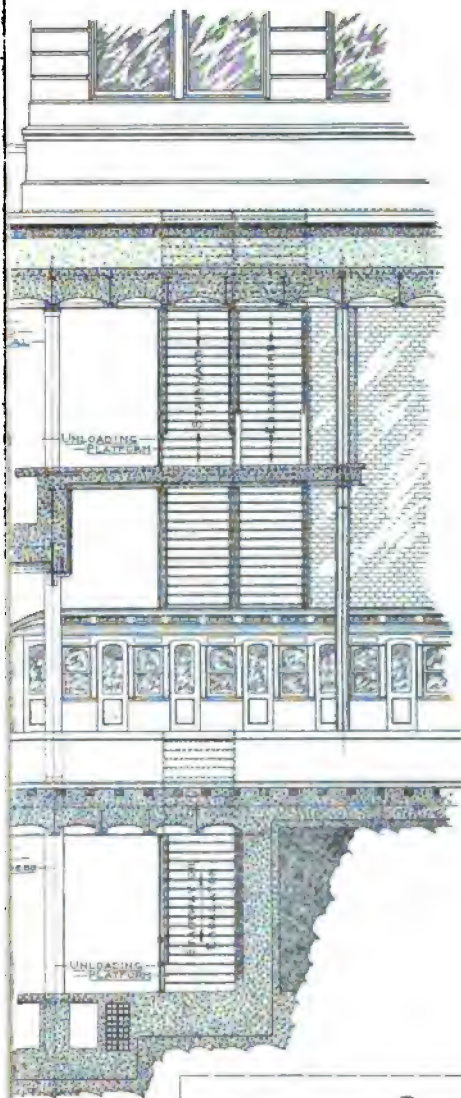


PLATE I.

SECTION OF TYPICAL RESERVOIR STATION FOR
FUTURE COMPREHENSIVE SUBWAY SYSTEM FOR
NEW YORK CITY AND ENVIRONMENTS, SHOW-
ING CROSSTOWN SUBWAY PASSING BETWEEN
HIGH AND LOW LEVEL, NORTH AND SOUTH
SUBWAYS.

Accompanying Report No. 4 of

BION J. ARNOLD

to the

PUBLIC SERVICE COMMISSION FOR THE FIRST
DISTRICT, STATE OF NEW YORK,

May, 1908.

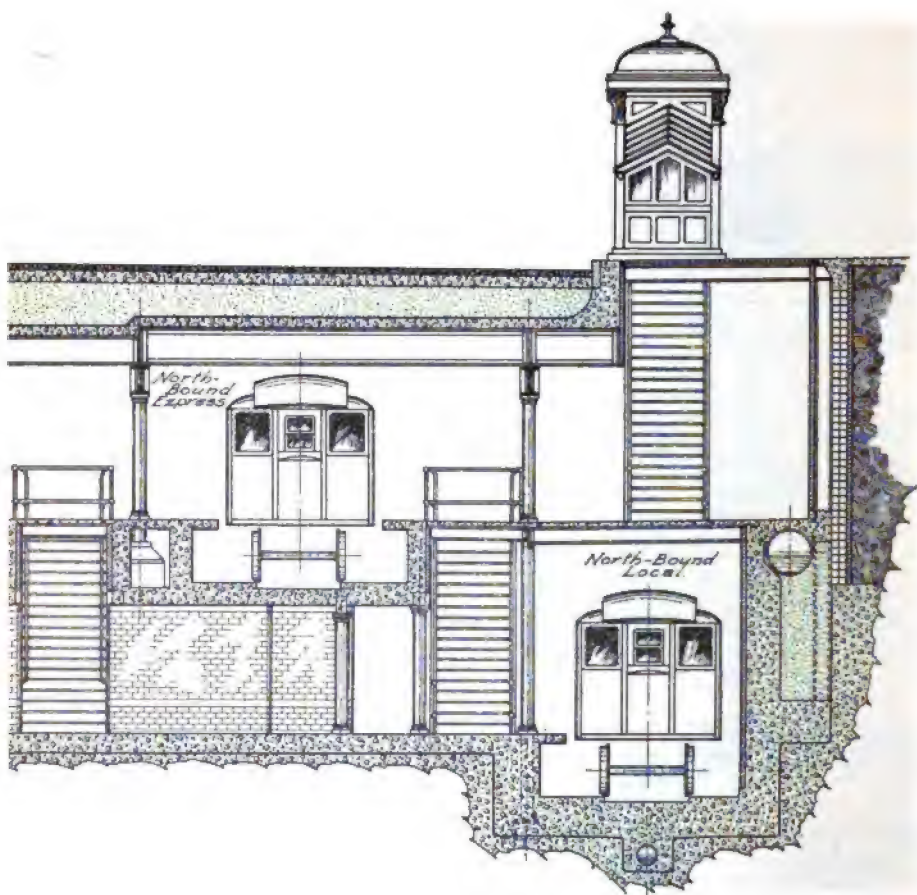


PLATE II.

SECTION OF PROPOSED REARRANGEMENT OF NINETY-SIXTH STREET STATION OF THE INTERBOROUGH RAPID TRANSIT COMPANY OF NEW YORK, TO PROVIDE TWO STATION TRACKS FOR EACH OF THE PRESENT EXPRESS TRACKS BY CONSTRUCTING NEW TRACKS ON A LOWER LEVEL FOR THE PRESENT LOCAL TRAINS.

Accompanying Report No. 4 of
BION J. ARNOLD
to the

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,
STATE OF NEW YORK,
May, 1908.

(29)

The Secretary presented a voucher, the bill of which had been duly approved by Chairman Willcox, as Committee on Audit for the month of May, whereupon on motion, duly seconded, it was

Resolved, That the final bill, dated May 21, 1908, of William M. Ivins, Esq., Special Counsel in the matter of Order No. 6, for Fifteen Thousand (\$15,000) Dollars, be approved for payment.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(30)

1127

FOURTH AVENUE SUBWAY, BROOKLYN—AWARD OF CONTRACTS.

The Commission reconvened at five o'clock to consider again the matter of the bids on the so-called "Fourth Avenue" subway, Brooklyn. The Secretary presented the following communication from the Chief Engineer:

May 21, 1908.

The Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—I transmit herewith tabulated copy of the bids on Fourth Avenue Subway, Brooklyn, which were received on May 8, 1908. The bids are arranged by sections, and generally in order of the lowest bidder, except in the case of Section 11-A-3, where James P. Graham is placed last, his bid not being complete. I would call attention to the two low bidders on 11-A-4, where E. E. Smith Contracting Company makes the lowest total bid on the construction of the railroad and pipe galleries, while Remington & Sherman and F. W. Carlin Construction Company offer the lowest bid on the railroad work alone.

The bids for Manhattan Bridge Extension, and for the Railroad Section of 11-A-3, by James P. Graham, are less than two-thirds of the estimate. Both of these bids, in my judgment, are below the actual cost of doing the work. In this connection, attention should be called to the form in which the bids were submitted.

Of the remaining sections, the bids on 9-C-1 and 11-E-1—11-A-1, are furthest from my estimate, but these are the most difficult sections to construct, and the difference between the bid and the estimate undoubtedly indicates the unforeseen contingencies which the contractor apprehends. This bidder, William Bradley, has satisfactorily completed a large part of the present subway.

The lowest bids of Sections 11-A-2 and 11-A-4 are reasonably close to the estimate and are from a contracting company which has successfully constructed difficult work of this character in the city of Philadelphia, Pa.

The next bid above James P. Graham on Manhattan Bridge Extension No. 1, is by Rodgers & Hagerty. This is a young firm, composed of the son and foreman of

John C. Rodgers, the well-known contractor. Mr. John C. Rodgers has called upon me and assures me that he will endorse this firm.

The Tidewater Building Company and Thomas B. Bryson, who are the lowest bidders in Section 11-A-3, exclusive of James P. Graham, have had extensive experience with building construction.

The proposal of Westinghouse, Church, Kerr & Company, provides that they do the work of construction at actual cost, giving the City every advantage which their organization may have for reduced prices, and experienced management of large work. They would receive as compensation a fixed sum based upon the magnitude of the work.

They further suggest, as an insurance to the highest personal endeavor, the following provision for bonus and penalty—

An estimate of cost will be agreed upon between the City and the contractor before commencing work. If the actual cost of construction is less than this estimate, the saving will be divided equally between the City and the contractor. If the actual cost exceeds the estimate, a reduction will be made from the compensation to be received by the contractor.

This proposition seems to have the advantage of what is usually termed "percentage" work, without its possible disadvantage. In "percentage" work the contractor undertakes the execution of the construction, and receives as compensation to cover his expenses and profits, a percentage of the cost, which varies from 10% to 25%, depending upon the nature of the work managed. It will thus be seen that by increasing the cost, the contractor will increase his own profits. On the other hand, the proposal of Westinghouse, Church, Kerr & Company is such that a decrease of cost will result to their direct advantage, as well as to that of the City.

In making a lump sum bid, the contractor usually adds a percentage to the estimated cost to cover his expenses, contingencies and profits. This will vary from 15% to 100%, depending upon the unforeseen contingencies which he thinks he is liable to meet. In some of the work under consideration contingencies are unavoidably large, although endeavor has been made to reduce them as much as practicable.

The fee proposed by Westinghouse, Church, Kerr & Company, based upon the magnitude of the work, amounts, for item I, to about \$1,342,829, and for item II, may approximate \$300,000, making a total fee of \$1,642,829, upon a total estimated cost of \$15,813,600. If their fee be deducted from this total estimate, it would leave \$14,170,771, which amount represents the net cost of the work of construction by them, and upon which the bonus or penalty may be based.

The purpose of this plan is to eliminate the speculative element for both parties to the contract. To this end, the penalty should not reduce the fee beyond the point where the contractor would be paid his actual expenses, though in my judgment it should be on a sliding scale.

[May 22, 1908.]

The advantages of this proposal to the City appear to be numerous. It gives the City a saving in every apprehended contingency which does not materialize in the execution of the contract. It would therefore be especially advantageous on Section 9-C-1 and 11-E-1—11-A-1, and also on Section 11-A-4. It also gives the City the advantage of knowing the actual cost of each branch of operation, which knowledge may later be used in the execution of other work, or in fixing detailed prices for future bids, and thus permitting the introduction of the method of percentage bidding, which is now being gradually introduced in public work, and which, in order to make its introduction here practicable, requires information of costs which this Commission does not at present possess. Further, and of the greatest importance, is the fact that it would seem practicable to undertake extensive work without charging the entire cost of such work against the debt limit of the City, but instead, could be prosecuted under a budget. This might enable the City to start all subways now under consideration, and so much needed.

Very truly yours,

(Signed) HENRY B. SEAMAN,
Chief Engineer.

The Secretary also presented the following communication from the Counsel to the Commission:

May 21, 1908.

Public Service Commission for the First District:

SIRS—I transmit herewith a schedule showing the various irregularities in the Fourth Avenue bids. Most of those are mere matters of form and do not, I think, affect the legality of the bids. In some of the higher bids, notably those of S. Pearson and Son, Inc., for certain of the sections, there are certain defects or reservations which might affect the legality of the bids, but since these bids will probably not need to be seriously considered, I do not deem it necessary to discuss the matter here, but I have had noted on the schedule the irregularity in each case.

The lower bids, however, notably those of James P. Graham, require a careful consideration. In his bid for the first section (Manhattan Bridge, No. 1) Mr. Graham's bid is the lowest received and is somewhat irregular in that no address is given, the statement that no other persons are interested is not made, it is signed on page 208 instead of on page 225, and is not verified. In my opinion these defects are not so serious as to make the bid a nullity, and while the Commission has ample authority to reject this bid, I do not think that it must do so. The underlying purpose of these bids is, of course, to get an offer to do the work for a certain price and when that is given and secured by the deposit of a certified check, it seems to me that these other matters which have not been properly cared for by Mr. Graham may be waived by the Commission. As the printed form on which the bids are required to be made is primarily for the convenience of the Commission, I do not think any other contractor would have cause to object if the two primary requisites of price and security

are complied with. The Statute, Section 36 of the Rapid Transit Act, gives the Commission very broad powers in this respect and allows it to "accept any of such proposals as will, in the judgment of such Board, best promote the public interest," and under it the Commission, if it deems the acceptance of such bid will best promote the public interest, may ignore mere matters of form. If the Commission should award the contract for the first section to Mr. Graham and he should fail to sign and deliver the contract and give the required security, the Comptroller could cash his check and although it is probable that litigation would then ensue, through an attempt on Mr. Graham's part to recover this money, I am very doubtful that such action for a recovery would be successful.

A different question, however, presents itself in regard to Mr. Graham's bid for the fifth section (Section 11-A-3) in which, in addition to all the other defects, he has omitted to make a bid for the construction of pipe galleries. In my opinion this is fatal. In the Invitation to Contractors, at page 7, it is stated:

"In the detailed plans for construction, provisions for pipe galleries along the line of the tunnel are included. Bids for the construction of the railroad *must* be accompanied by a separate bid for the construction of the pipe galleries above referred to, as it is essential for the City to separate the cost of the railroad from the cost of the pipe galleries. The Commission reserves the right to accept a bid for construction of the railroad and at the same time to reject the accompanying bid for pipe galleries."

Although the matter of the construction of the pipe galleries under the Rapid Transit Act is permissive and not mandatory, the Invitations to Contractors have been drawn on the theory that the Commission desired to build both the railroad and the pipe galleries but before definitely determining whether to build the pipe galleries it desired to have before it bids for their construction, so that it might base its action on exact information. When the time came for considering the bids, the Commission was to be put in the position of being able, if it so desired, to make a contract for the construction of the pipe galleries in addition to the railroad. Mr. Graham's bid, in this case, prevents the exercise of the Commission's discretion, since under his offer the railroad section alone could be built. Aside from all other considerations, if Mr. Graham's bid for the railroad construction could be accepted it would then be necessary if the Commission desired the construction of the pipe galleries, to readvertise for proposals for their construction. I therefore advise that Mr. Graham's bid for Section 11-A-3 is informal and should not be considered.

A further question has arisen in regard to the bids of the E. E. Smith Contracting Company for Sections 11-A-2 and 11-A-4. The Smith Company is a Pennsylvania corporation and I am informed that it has not received authority under Section 15 of General Corporation Law to transact business within the State of New York. On the matter being drawn to its attention the company at once took steps to obtain this authority, which will doubtless be given within a day or two. I do not think this omission affects the validity of this bid but it seems to me, if the Commission is disposed to award any contracts to that company, its action should be deferred until the

necessary authority to transact business has been obtained by the company. As the Legislature of the State has directed that no foreign corporation shall transact business without the authorization of the Secretary of State, it seems to me it would be improper for this Commission, as a state board, to enter into business relations with such a foreign corporation before such authorization has been given by another state official.

I should like to draw the attention of the Commission, for such action as it deems necessary, to the following matters, in addition to those which I have discussed. I am informed that the Comptroller has refused to accept certain surety companies on bonds for municipal work and I call this matter to your attention in order that if you deem wise, an examination into the standing of the surety companies proposed by the bidders may be made. There is also the question of the financial standing of the bidders. As will be seen from an examination of the schedule transmitted herewith, certain of the corporations bidding have only a nominal capital stock, in one case as low as \$4,000.

In my opinion the proposition of Westinghouse, Church, Kerr and Company cannot be considered under the present form of Invitation to Contractors. The contractors in this case were invited to furnish the Commission with proposals for the construction of the different sections under what is known as a lump sum contract. The proposition of Westinghouse, Church, Kerr and Company is based on a radically different theory, the contract requisite to meet their proposition being what is known as the Master and Servant type, no lump sum being named but the contractor receiving compensation upon a basis of the amount of work to be done, upon what is akin to the percentage basis. The contract, which has been already drafted and which was furnished the contractors as a basis for their bids, could not be used to carry out a scheme such as that outlined by Westinghouse, Church, Kerr and Company. I do not here deal with the question whether such a contract can be made under the Rapid Transit Act, but since that question requires a careful and lengthy study of the Rapid Transit Act and the Greater New York Charter, I shall deal with it in a separate communication.

Respectfully yours,

GEO. S. COLEMAN,

Counsel to the Commission.

After discussion, Commissioner Maltbie moved, and it was duly seconded and carried, that the proposition of Westinghouse, Church, Kerr and Company be not considered, in view of the opinion of Counsel with regard thereto, and that their check be returned. It was understood that the Secretary in communicating with said Company would state that the Commission considered their suggestion a valuable one, and would give the proposition careful consideration with a view to the advisability of adopting such a policy in the construction of other rapid transit roads.

After discussion upon the advisability of building pipe galleries in connection with the railroad, it was, on motion duly seconded,

Resolved, That pipe galleries be constructed in connection with the railroad, and that in the consideration of the bids, the sum of the bids of each bidder for railroad and pipe galleries be considered.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

On motion, duly seconded, it was determined that the bid of James P. Graham on section No. 5, being section 11-A-3, be not considered, in view of the opinion of counsel, and that his check be returned.

CONTRACT No. 2, SECTION 9-C-1.

After consideration of the bids on Contract No. 2, being Section 9-C-1, the following resolution was moved and duly seconded:

Resolved, That this Commission hereby accepts the proposal of William Bradley, dated May 8, 1908, for the construction of that portion of the proposed Fourth Avenue Rapid Transit Railroad in the Borough of Brooklyn, which lies in Flatbush Avenue Extension private property and Fulton Street between Willoughby Street and Ashland Place, in the Borough of Brooklyn, and also the proposal of the said William Bradley to construct pipe galleries in connection with the said railroad, the prices of the bids being \$3,436,019.00 for construction of the railroad and \$58,695.00 for the construction of the pipe galleries.

Resolved, That the Chairman and the Secretary be and they are hereby authorized, on behalf of the Commission, to execute a contract in the form attached to the said proposal and to deliver the same if and when consented to by the Board of Estimate and Apportionment and upon compliance by the said William Bradley with the requirements of the Invitation to Contractors attached to the said proposal.

Resolved, That the Secretary give notice to the said William Bradley that his proposal has been accepted and the contract awarded to him by this board, subject to its being consented to by the Board of Estimate and Apportionment, as required by law.

Resolved, That it be referred to George S. Coleman, Counsel, to inquire into the sufficiency of the sureties proposed to be given by the said William Bradley and in case sureties named in the proposal of the said William Bradley or any of them are not approved, then to inquire into the sufficiency of any other or substitute sureties and in behalf of the Commission to do any such acts as may be necessary and incidental to the furnishing of a proper bond.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

CONTRACT No. 3, SECTIONS 11-E-1 AND 11-A-1.

After consideration of the bids on Contract No. 3, being Sections 11-E-1 and 11-A-1, the following resolution was moved and duly seconded:

Resolved, That this Commission hereby accepts the proposal of William Bradley, dated May 8, 1908, for the construction of that portion of the proposed Fourth Avenue Rapid Transit Railroad in the Borough of Brooklyn, which lies in Ashland Place, private property, and Fourth Avenue between Fulton Street and Sackett Street, in the Borough of Brooklyn, and also the proposal of the said William Bradley to construct pipe galleries in connection with the said railroad, the prices of the bids being \$3,392,091.50 for construction of the railroad and \$208,135.00 for the construction of the pipe galleries.

Resolved, That the Chairman and the Secretary be and they are hereby authorized, on behalf of the Commission, to execute a contract in the form attached to the said proposal and to deliver the same if and when consented to by the Board of Estimate and Apportionment and upon compliance by the said William Bradley with the requirements of the Invitation to Contractors attached to the said proposal.

Resolved, That the Secretary give notice to the said William Bradley that his proposal has been accepted and the contract awarded to him by this board, subject to its being consented to by the Board of Estimate and Apportionment, as required by law.

Resolved, That it be referred to George S. Coleman, Counsel, to inquire into the sufficiency of the sureties proposed to be given by the said William Bradley and in case sureties named in the proposal of the said William Bradley or any of them are not approved, then to inquire into the sufficiency of any other or substitute sureties and in behalf of the Commission to do any such acts as may be necessary and incidental to the furnishing of a proper bond.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

CONTRACT No. 4, SECTION 11-A-2.

After consideration of the bids on Contract No. 4, being Section 11-A-2, the following resolution was moved and duly seconded:

Resolved, That this Commission hereby accepts the proposal of E. E. Smith Contracting Company, dated May 8, 1908, for the construction of that portion of the proposed Fourth Avenue Rapid Transit Railroad in the Borough of Brooklyn, which lies in Fourth Avenue between Sackett Street and Tenth Street, in the Borough of Brooklyn, and also the proposal of the said E. E. Smith Contracting Company to construct pipe galleries in connection with the said railroad, the prices of the bids being \$2,283,553.30 for construction of the railroad and \$206,672.00 for the construction of the pipe galleries.

Resolved, That the Chairman and the Secretary be and they are hereby authorized, on behalf of the Commission, to execute a contract in the form attached to the said proposal and to deliver the same if and when consented to by the Board of Estimate and Apportionment and upon compliance by the said E. E. Smith Contracting Company with the requirements of the Invitation to Contractors attached to the said proposal.

Resolved, That the Secretary give notice to the said E. E. Smith Contracting Company that its proposal has been accepted and the contract awarded to it by this board, subject to its being consented to by the Board of Estimate and Apportionment, as required by law.

Resolved, That it be referred to George S. Coleman, Counsel, to inquire into the sufficiency of the sureties proposed to be given by the said E. E. Smith Contracting Company and in case sureties named in the proposal of the said E. E. Smith Contracting Company or any of them are not approved, then to inquire into the sufficiency of any other or substitute sureties and in behalf of the Commission to do any such acts as may be necessary and incidental to the furnishing of a proper bond.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

CONTRACT NO. 5, SECTION 11-A-3.

After consideration of the bids on Contract No. 5, being Section 11-A-3, the following resolution was moved and duly seconded:

Resolved, That this Commission hereby accepts the proposal of Tidewater Building Company and Thomas B. Bryson, dated May 8, 1908, for the construction of that portion of the proposed Fourth Avenue Rapid Transit Railroad in the Borough of Brooklyn, which lies in Fourth Avenue between Tenth Street and Twenty-seventh Street, in the Borough of Brooklyn, and also the proposal of the said Tidewater Building Company and Thomas B. Bryson to construct pipe galleries in connection with the said railroad, the prices of the bids being \$1,945,640.50 for construction of the railroad and \$251,076.00 for the construction of the pipe galleries.

Resolved, That the Chairman and the Secretary be and they are hereby authorized, on behalf of the Commission, to execute a contract in the form attached to the said proposal and to deliver the same if and when consented to by the Board of Estimate and Apportionment and upon compliance by the said Tidewater Building Company and Thomas B. Bryson, with the requirements of the Invitation to Contractors attached to the said proposal.

Resolved, That the Secretary give notice to the said Tidewater Building Company and Thomas B. Bryson that their proposal has been accepted and the contract awarded to them by this board, subject to its being consented to by the Board of Estimate and Apportionment, as required by law.

Resolved, That it be referred to George S. Coleman, Counsel, to inquire into the sufficiency of the sureties proposed to be given by the said Tidewater Building

Company and Thomas B. Bryson, and in case sureties named in the proposal of the said Tidewater Building Company and Thomas B. Bryson, or any of them are not approved, then to inquire into the sufficiency of any other or substitute sureties and in behalf of the Commission to do any such acts as may be necessary and incidental to the furnishing of a proper bond.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

CONTRACT No. 6, SECTION 11-A-4.

After consideration of the bids on Contract No. 6, being Section 11-A-4, the following resolution was moved and duly seconded:

Resolved, That this Commission hereby accepts the proposal of E. E. Smith Contracting Company, dated May 8, 1908, for the construction of that portion of the proposed Fourth Avenue Rapid Transit Railroad in the Borough of Brooklyn, which lies in Fourth Avenue between Twenty-seventh Street and Forty-third Street, in the Borough of Brooklyn, and also the proposal of the said E. E. Smith Contracting Company to construct pipe galleries in connection with the said railroad, the prices of the bids being \$2,808,982.80 for construction of the railroad and \$173,665.00 for the construction of the pipe galleries.

Resolved, That the Chairman and the Secretary be and they are hereby authorized, on behalf of the Commission, to execute a contract in the form attached to the said proposal and to deliver the same if and when consented to by the Board of Estimate and Apportionment and upon compliance by the said E. E. Smith Contracting Company with the requirements of the Invitation to Contractors attached to the said proposal.

Resolved, That the Secretary give notice to the said E. E. Smith Contracting Company that its proposal has been accepted and the contract awarded to it by this board, subject to its being consented to by the Board of Estimate and Apportionment, as required by law.

Resolved, That it be referred to George S. Coleman, Counsel, to inquire into the sufficiency of the sureties proposed to be given by the said E. E. Smith Contracting Company and in case sureties named in the proposal of the said E. E. Smith Contracting Company or any of them are not approved, then to inquire into the sufficiency of any other or substitute sureties and in behalf of the Commission to do any such acts as may be necessary and incidental to the furnishing of a proper bond.

Ayes—Commissioners McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

MONDAY, MAY 25, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

The Commission took up the matter of awarding the contract on the first section of the Fourth Avenue subway, Brooklyn, and after consideration, the following resolution was moved and duly seconded:

CONTRACT NO. 1. (M. B.—1).

Resolved, That this Commission hereby accepts the proposal of James P. Graham, dated May 8, 1908, for the construction of that portion of the proposed Fourth Avenue Rapid Transit Railroad in the Borough of Brooklyn, which lies under Flatbush Avenue extension between Nassau Street and Willoughby Street, in the Borough of Brooklyn, and also the proposal of the said James P. Graham to construct pipe galleries in connection with the said railroad, the prices of the bids being \$1,020,476.55 for construction of the railroad and \$101,374.55 for the construction of the pipe galleries.

Resolved, That the Chairman and the Secretary be and they are hereby authorized, on behalf of the Commission, to execute a contract in the form attached to the said proposal and to deliver the same if and when consented to by the Board of Estimate and Apportionment and upon compliance by the said James P. Graham with the requirements of the Invitation to Contractors attached to the said proposal.

Resolved, That the Secretary give notice to the said James P. Graham that his proposal has been accepted and the contract awarded to him by this board, subject to its being consented to by the Board of Estimate and Apportionment, as required by law.

(38)

[Form 2047]

[1 M (B)]

May 25, 1908.]

1134

Resolved, That it be referred to George S. Coleman, Counsel, to inquire into the sufficiency of the sureties proposed to be given by the said James P. Graham and in case sureties named in the proposal of the said James P. Graham or any of them are not approved, then to inquire into the sufficiency of any other or substitute sureties and in behalf of the Commission to do any such acts as may be necessary and incidental to the furnishing of a proper bond.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—Commissioner McCarroll.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT,

TUESDAY, MAY 26, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,

BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

2532

The Secretary presented the following notice of deposit from N. Taylor Phillips, Deputy Comptroller, Department of Finance, which was ordered filed:

May 20, 1908.

DEAR SIR—I beg to advise you that on May 14, 1908, the sum of ten thousand dollars (\$10,000) was deposited to the credit of Revenue Bond Fund—For the Public Service Commission for the First District New York, Expenses of. Authorized January 10, 1908, pursuant to the provisions of Section 10 of Chapter 4, Laws of 1891 as amended by Section 14, Chapter 429, Laws of 1907.

(2)

1070

RAPID TRANSIT ROUTES—EXTENSION OF TIME TO CONSTRUCT.

The Secretary presented a communication dated May 22, 1908, from the Counsel to the Commission, transmitting the following opinion of Court granting an extension of three years for the construction of rapid transit railroads under the consents granted by the Appellate Division of the Supreme Court, which was ordered filed:

May 26, 1908.]

1136

SUPREME COURT, APPELLATE DIVISION,
FIRST DEPARTMENT, MAY, 1908.

George L. Ingraham,
Frank C. Laughlin,
John Proctor Clarke,
James W. Houghton,
Francis M. Scott,
JJ.

No. 34.

In the Matter
of

The application of the Board of Rapid
Transit Railroad Commissioners of The
City of New York, etc.

Per Curiam—The Public Service Commission, which has succeeded to the duties of the Board of Rapid Transit Railroad Commissioners of the City of New York, have applied in these proceedings for a modification of the order confirming the report of commissioners to determine whether or not certain railroads should be constructed and operated, notwithstanding the refusal of the owners of abutting property to consent thereto. No objection has been made to the granting of the petition except in relation to the Third Avenue route, where opposition is made to the abrogation of the provision in the order and to an extension of time for over two years and the Lexington Avenue route, where objection is made to either the abrogation of the provision or to any extension.

The Court has considered these objections and has concluded that the circumstances justify a reasonable extension of the time within which the City of New York should enter into a contract for the construction of a substantial portion of these proposed roads. The difficulties of the Board of Rapid Transit Railroad Commissioners and its successor, the Public Service Commission, which have existed since the entry of the orders in these proceedings, have made it impossible for any contract to be made within the time originally limited. The Court is therefore of the opinion that an extension of three years will enable the Public Service Commission to determine which of these roads should be constructed and an extension of the time to that extent will be granted. The question is presented as to the proper method of accomplishing this result; whether by an order extending the time or by an amendment of the order of the 12th of July, 1906, which approved the report of the commissioners and that question will be determined upon the settlement of the orders which will be upon notice to those who have appeared in the proceeding. Counsel for the Public Service Commission should prepare an order as to each method suggested and submit them to the court for settlement.

(3)

The Secretary presented a lease for rental of Rooms 613, 614, 1812, 1813, 1814, 1815, 1816, 1817, 1819 and 1821, 1901, 1903, 1904, 1905, 1906, 1915 and 1916 in the Tribune Building, for the term of three years beginning May 1st, 1908, at a yearly rental of \$6,550, and a letter from George S. Coleman, Counsel, stating that such lease was in proper form. On motion, duly seconded, it was

Resolved, That the lease be approved, and that the Chairman be authorized to sign it in behalf of the Commission.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(4)

O-524

Commissioner Eustis presented the following opinion in the matter of service on the Putnam Division of the New York Central and Hudson River Railroad Company:

In the Matter
of

Service, Regulations and Practises of the
New York Central and Hudson River
Railroad Company.

Restoration of Putnam Division Service.
Under Order for Hearing (No. 252) dated
February 11, 1908.

OPINION.

On January 17th, 1908, order No. 311 of this Commission was issued requiring the New York Central and Hudson River Railroad Company to make answer giving the reasons for the proposed discontinuance of trains on the Putnam Division after midnight. The company made answer thereto on February 3, 1908, stating that the trains discontinued on said division were as follows:

Train No. 103, leaving 155th Street Station at 2:00 A. M.

Train No. 105, leaving 155th Street Station at 3:00 A. M.

Train No. 107, leaving 155th Street Station at 4:00 A. M.

Train No. 106, leaving Yonkers Station at 2:25 A. M.

Train No. 108, leaving Yonkers Station at 3:25 A. M., and

Train No. 110, leaving Yonkers Station at 4:25 A. M.

The company further stated in said answer that

"the discontinuance of said trains was ordered by the defendant by reason of the fact that the average number of passengers carried upon such trains was so small during a long period of time prior to their discontinuance that the revenue gained therefrom did not justify the expense incurred in the running of said trains."

Upon the hearing the company's witnesses stated that the only reason for the discontinuance of the train mentioned was that the revenue gained from the running of said trains did not justify the expense incurred. It appeared, however, from their

testimony that since the Putnam Division passed into the hands of the defendant railroad company in or about 1893, this entire Division had always been run at a loss, the entire receipts therefrom being far less than the cost of operating the road, so that, if the fact of a road not being a financial success were to excuse the discontinuance of trains, the defendant would be justified in abandoning this Division entirely. It does not do this, however, but discontinues a few of its trains, to the great inconvenience of the traveling public and sets up as its reason the fact that these trains do not pay. The evidence shows that a large number of persons are accommodated by these trains, and it would appear reasonable to require that the service thus discontinued be restored. In fact, it appears that after the first order herein was issued and on or about January 30, 1908, the defendant of its own volition restored the train leaving 155th Street for Yonkers at 4:00 A. M., and returning leaving Yonkers for 155th Street at 4:25 A. M., and has since continued said train, although the testimony is to the effect that the train mentioned is less profitable to the company than any of the trains that have not been restored, and if it was reasonable to restore the train mentioned which is less profitable to the company than either of the other trains which have been discontinued, then it would not seem unreasonable to require that the other discontinued trains be restored.

It is claimed by the defendant that the patronage of these trains has largely fallen off since the construction of trolleys and subways, which have reduced the income of the company on this Division. However, there is nothing to show that if the defendant would meet these changed conditions by running more trains and charging a rate of fare that would enable them to compete with the trolleys and subways, they would not recover a large amount of their patronage and do business at a profit instead of (as they say) at a loss, and it is altogether likely that the inauguration of the changes suggested would bring about the result indicated, as a large part of the traveling public would prefer to ride in defendant's cars if the expense were no greater than on the trolleys and subways.

The defendant raises the question of jurisdiction, and claims that jurisdiction of the matter in hand belongs to the Public Service Commission of the Second District, as the line mentioned runs from a point within one district to a point within the other district. Without deciding the question presented, I am of the opinion that under subdivision 3 of Section 5 of the Public Service Commissions Law, the Public Service Commission for the First District has clearly jurisdiction and power to make an order in this matter providing for the restoration of said trains between points lying wholly within the First District. That subdivision is as follows:

"The jurisdiction, supervision, powers and duties of the Public Service Commission in the First District shall extend under this act to such portion of the lines of any other railroad (than a street railroad) as lies within that district, and to the person or corporation owning, leasing, operating or controlling the same, so far as concerns the construction, maintenance, equipment, terminal facilities, and local transportation facilities, and local transportation of persons or property within that district."

As all stations on said Putnam Division from 155th Street to Van Cortlandt, both inclusive, are within the First District, let an order be drawn directing and requiring the restoration of said trains between said points.

On motion, duly seconded, a Final Order (No. 524) was adopted, vacating Order (No. 311) above mentioned.

(5)

O-525

REHEARING ORDER (No. 525).

Commissioner Bassett presented a communication from the Brooklyn Union Elevated Railroad Company, under date of May 21st, 1908, for a stay and rehearing in the matter of Final Order No. 471 with respect to service on the Broadway Elevated Line, and on his motion, duly seconded, a Rehearing Order, including a stay (No. 525) was adopted, directing a rehearing on May 29, 1908 at 2:30 o'clock in the afternoon.

(6)

O-526

HEARING ORDER (No. 526).

On motion by Commissioner Bassett, duly seconded, a Hearing Order (No. 526) was adopted directing a hearing on June 8, 1908 at 2:30 o'clock P. M. in the matter of the complaint of E. Alexander Williams against the South Brooklyn Railway Company with respect to the extension of the surface trolley line on Surf Avenue from West 12th Street to West 37th Street, Coney Island.

(7)

O-527

COMPLAINT ORDER (No. 527).

On motion by Commissioner Maltbie, duly seconded, a Complaint Order (No. 527) was adopted for satisfaction or answer within ten days by the New York City Railway Company or its Receivers, in the matter of the complaint of C. M. DeLaVergne, with respect to turning back of cars marked "Polo Grounds" at 155th Street on the Eighth Avenue surface line.

(8)

O-528

EXTENSION ORDER (No. 528).

On motion by Commissioner Bassett, duly seconded, an Extension Order (No. 528) was adopted, extending to June 15th, 1908, the time of the Brooklyn Union Elevated Railroad Company to comply with the terms of Order No. 156 with respect to the procuring and placing of one hundred and forty-three additional station signs.

(9)

O-529

EXTENSION ORDER (No. 529).

On motion by Commissioner Eustis, duly seconded, an Extension Order (No. 529) was adopted, extending to June 1st, 1908, the time of the Interborough Rapid Transit Company to notify the Commission whether the terms of Order No. 494 are accepted and will be obeyed with respect to the construction of additions to 92nd Street Station on the Second Avenue Elevated Road.

(10)

DISCONTINUANCE ORDER (No. 530).

O-530

On motion by Commissioner Bassett, duly seconded, a Discontinuance Order (No. 530) was adopted, discontinuing proceedings on the complaint of Aaron Rabowitz, upon which Order No. 446 was issued, with respect to insufficient service over the Williamsburg Bridge between the hours of 11 p. m. and 3 a. m., the complainant having expressed himself as satisfied with the action of the Company in reducing the headway from 7½ minutes to 6 minutes.

(11)

HEARING ORDER (No. 531).

O-531

On motion by Commissioner McCarroll, duly seconded, a Hearing Order (No. 531) was adopted, directing a hearing on July 8th at 2:30 o'clock in the afternoon, in the matter of the complaint of the Fifth Ward Improvement Association of the Borough of Richmond, New York City, against The Staten Island Rapid Transit Railway Company and the Staten Island Railway Company, in respect to passenger rates on Staten Island.

(12)

HEARING ORDER (No. 532).

O-532

On motion by Commissioner Bassett, duly seconded, a Hearing Order (No. 532) was adopted, directing a hearing on June 5, 1908 at 2:30 o'clock p. m. in the matter of the complaint of the West End Board of Trade through D. B. Seaver, Second Vice-President, against the Brooklyn Union Elevated Railroad Company, the Brooklyn Heights Railroad Company and the Nassau Electric Railroad Company with respect to the operation of trains and surface cars at Sixty-fifth Street and Third Avenue Terminal, Brooklyn.

(13)

EXTENSION ORDER (No. 533).

O-533

On motion by Commissioner Bassett, duly seconded, an Extension Order (No. 533) was adopted extending to June 5th, 1908, the time of the Brooklyn, Queens County and Suburban Railroad Company to answer Complaint Order No. 493 with respect to the service on the Broadway Line between Alabama Avenue and Cypress Hills.

(16)

C-1989

The Secretary presented a resolution of the Board of Aldermen adopted May 19th, 1908, requesting the Public Service Commission for the First District to order the New York City Railway Company to refrain from stalling cars on the railroad tracks on Lexington Avenue from 116th Street to 129th Street in the Borough of Manhattan, and to require said Company to operate its cars over said tracks at required intervals all night for the benefit of the traveling public. The communication was referred to Commissioner Maltbie.

[May 26, 1908.]

(17)

CONTRACT NO. 1—BOWLING GREEN-SOUTH FERRY SHUTTLE SERVICE.

The Secretary presented the following communication from E. P. Bryan, President of the Interborough Rapid Transit Company, which was referred to the Chief Engineer and the Counsel to the Commission:

NEW YORK, May 22nd, 1908.

Public Service Commission, First District, Tribune Building, New York:

GENTLEMEN—The Brooklyn extension has now been in operation for a sufficient length of time to indicate generally the traffic requirements, and it has been demonstrated that much better facilities can be afforded both to the Brooklyn traffic and to the South Ferry traffic if a shuttle service be established between Bowling Green station and South Ferry. In order to do this an additional platform will be required on the west side of the Bowling Green station, and an additional spur track will have to be built, all at an estimated cost of \$75,000.00.

I herewith hand you Drawing No. 8123, May 13, 1908, showing more in detail the plan which seems to us best suited to meet the situation. Upon completion of these changes all of the express trains now operated in Manhattan can be continued to Atlantic Avenue station in Brooklyn, thereby providing during rush hours a two minute headway to that point. This plan practically extends the two express tracks to Brooklyn, relieving the two tracks south of Brooklyn Bridge of local trains now operated to South Ferry to provide transit between Bowling Green and South Ferry only.

This Company, therefore, asks your Honorable Board's approval and action, to the end that the changes and additions outlined may be made, and for that purpose a supplemental contract executed so that the work may be done as additional work under Principal Contract No. 2.

I am authorized to say that Rapid Transit Subway Construction Company approves the proposed changes and assents to this application.

Very respectfully yours,

INTERBOROUGH RAPID TRANSIT COMPANY.

By (Signed) E. P. BRYAN, President.

PROPOSED SUBWAY SPUR TRACK AND PLATFORM FOR SHUTTLE TRAIN SERVICE BETWEEN
BOWLING GREEN AND SOUTH FERRY, BROADWAY SUBWAY.

The proposed improvement comprises a subway station under the surface of Battery Park near the southwest corner of State Street and Battery Place, and immediately adjoining the present subway on the west, having a platform 10 feet wide by 130 feet long, at the north end of which a stairway 8 feet wide descends to an underground passageway 10 feet wide which extends east to a point under the present platform of the Bowling Green station with which it is connected with two stairways, one leading north, having a width of 6 feet, and one leading south, having a width of 5 feet.

On the easterly side of the proposed platform and immediately to the west of the present subway wall a spur track is provided beginning at about station No. 30 of the present subway alignment and running to a connection with the present southbound subway loop track at about station 33 plus 50, at which point a double slip switch connection will be made with the present inside track of the loop to provide for double track shuttle service between Bowling Green and South Ferry. All as shown on drawing 8123.

(18)

The Secretary presented a communication dated May 23, 1908, from Albert Firmin, Secretary of the Allied Boards of Trade and Taxpayers' Association of Brooklyn, transmitting a resolution requesting the consideration by the Commission of a report made to their organization by a special committee in respect to the Manhattan Bridge, which was referred to the Committee on Flatbush Avenue Extension.

(19)

1072

The Secretary presented a communication dated May 16, 1908, from William H. McBeath, Secretary of the East Flatbush Taxpayers' Association of Brooklyn, transmitting a resolution adopted by that Association on May 15th requesting the Public Service Commission to construct the approach to the Brooklyn end of the Manhattan Bridge on Flatbush Avenue instead of using side streets, as advocated by certain other organizations, which was referred to the Committee on Flatbush Avenue Extension.

(20)

On motion, duly seconded, it was

Resolved, That this Commission hereby make the following appointments from the Civil Service List:—

	Monthly Salary.	Take Effect.
Mrs. Willie D. House, Filing Clerk.....	\$75.00	June 1, 1908
Mary E. McEntee, Filing Clerk.....	60.00	June 1, 1908
Helen E. Clark, Filing Clerk.....	75.00	June 1, 1908
William M. Halley, Architectural Draftsman.....	108.00	June 1, 1908
Provisional Appointments.		
W. E. Jackson, Structural Draftsman.....	125.00	May 25, 1908
Nixon Lee, Engineering Draftsman.....	100.00	May 25, 1908

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(21)

1073

The Secretary presented the following letter from the President of the Interborough Rapid Transit Company, which was referred to the Committee of the Whole:

INTERBOROUGH RAPID TRANSIT COMPANY, }
 NOS. 13-21 PARK ROW, }
 NEW YORK, May 26th, 1908. }

Public Service Commission, First District, Tribune Building, New York:

GENTLEMEN—Interborough Rapid Transit Company is prepared to construct, equip, and operate a rapid transit railroad to connect with the existing Brooklyn subway at or near the junction of Fulton Street and Flatbush Avenue, extending thence along Flatbush Avenue to and over Manhattan Bridge to the Third Avenue elevated railway at the Bowery and Canal Street.

The Company is prepared to do the construction work, or procure it to be done, for the sum of \$1,200,000.00, and when the road is completed to operate it under lease in connection with and as part of the present subway and elevated system, carrying passengers for a single fare of five cents from Atlantic and Flatbush Avenues over the new road and the Manhattan Elevated Railway.

The general plan of construction would be in conformity with the existing subway in Brooklyn. The two outer tracks of the present subway in Flatbush Avenue could be used from Atlantic Avenue to Fulton Street. The present Atlantic Avenue and Flatbush Avenue stations are now provided with platforms to serve these tracks, and an undergrade connection has already been provided for the construction and operation now proposed. From the connection at the intersection of Flatbush Avenue and Fulton Street, the proposed line would continue in a double track subway under Flatbush Avenue to the Bridge plaza between Nassau and Sands Streets, where it would emerge from the ground and continue across the Manhattan Bridge on the lower grade bridge tracks to the Bowery and Canal Street in Manhattan, at which point a terminal elevated railway station could be provided on the grade of the present Third Avenue Elevated Railroad, having stairways and passages connecting the terminal station with the present Canal Street station of the Manhattan Elevated Railway. Stations are proposed at Myrtle Avenue and Sands Street in Brooklyn.

The junction of Atlantic and Flatbush Avenues in the Borough of Brooklyn will undoubtedly become a great traffic center and the distributing point for a very large population which must find its way to Manhattan, not only to the lower part of the island, but to all portions of it.

The present running time from the Atlantic Avenue terminal to Canal Street, by way of the existing subway through Bowling Green is 13½ minutes; by the proposed route over the Manhattan Bridge the time between the terminal and the Canal Street station of the Third Avenue elevated railway would not exceed 7½ minutes. Passengers at the Atlantic Avenue terminal for uptown in Manhattan, especially

those wishing to use the elevated lines in Manhattan, would undoubtedly avail themselves of the new route and thus relieve the East River tunnel and the Brooklyn Bridge.

The use of the Manhattan Railway system south of Canal Street by Brooklyn passengers for a single fare would be a great advantage; for example, in $7\frac{1}{2}$ minutes a passenger could be delivered from Atlantic Avenue, Brooklyn, to Canal Street, Manhattan. Transferring south, two minutes later he would be at Franklin Square station, three minutes later at Fulton Street station, and $4\frac{1}{2}$ minutes later at Hanover Square station, or twelve minutes to the eastern Wall Street district. The time by the present East River tunnel route to Wall Street is $8\frac{1}{2}$ minutes, and to Fulton Street $9\frac{1}{2}$ minutes, but there is a large territory east of there, to reach which a subway passenger must now walk a long distance. That territory would be covered by the proposed route and the use of the Manhattan Railway south of Canal Street. In addition to this, Brooklyn passengers could continue on the Manhattan Railway to South Ferry, thence north on the Sixth and Ninth Avenue lines, thus reaching the shopping districts, ocean steamer piers, parks, and the ball grounds in Manhattan for a single fare.

Interborough Rapid Transit Company deems it proper that your Honorable Commission should be advised of the Company's willingness to construct this road, in order that the proposal may be taken into consideration in connection with the Rapid Transit situation generally in Brooklyn.

Very respectfully yours,

INTERBOROUGH RAPID TRANSIT COMPANY,

By (Signed) E. P. BRYAN, President.

(22)

BROOKLYN LOOP LINES—SALE OF PROPERTY.

2092

The Secretary presented a communication from the Counsel to the Commission, relative to the matter of selling certain property, and the following resolution was thereupon moved and duly seconded:

Whereas, The Public Service Commission for the First District having deemed it to be necessary and proper that The City of New York should acquire certain parcels of property situated in The City of New York, Borough of Manhattan, required for the construction, maintenance and operation of a part of the Brooklyn Loop Lines of the Rapid Transit Railroad to be constructed by the Degnon Contracting Company in pursuance of a contract bearing date the 9th day of May, 1907, made between it and The City of New York, acting by the Board of Rapid Transit Railroad Commissioners, said parcels of property consisting of certain lots known as Lot No. 3, No. 142 Centre Street; Lot No. 4, No. 144 Centre Street; Lot No. 5, Nos. 146, 148 and 150 Centre Street and Nos. 111, 113 and 115 Walker Street; Lot No. 7, No. 117 Walker Street and Lot Nos. 8 and 9, Nos. 119 and 121 Walker Street; and the Commission having for the purpose of acquiring said parcels of property duly made

maps or plans and a memorandum specifying and defining said parcels of property so to be acquired, and having duly certified, filed and transmitted the several copies of said maps or plans, and having duly directed the Corporation Counsel to take legal proceedings to acquire said parcels of property for The City of New York, and said Corporation Counsel having thereupon duly taken legal proceedings to acquire the same and such proceedings having been duly had that on the 13th day of April, 1908, an order was duly made and entered at a Special Term of the Supreme Court, in and for the County of New York, appointing three disinterested freeholders, residents of The City of New York, as commissioners of appraisal to ascertain and appraise the compensation to be made to the owners of said parcels of property, and fixing the time and place for the first meeting of the commissioners, and said commissioners having duly taken and subscribed the oath required by the Twelfth Article of the Constitution of the State of New York, and having forthwith filed the same in the office of the Clerk of the County of New York, and the City of New York having thereupon become seized and possessed in fee or absolute ownership of all of said parcels of property, and

Whereas, Certain of said property, so acquired as aforesaid, has become unnecessary for rapid transit purposes, to wit, the buildings erected on said parcels of property, which in order to construct said Brooklyn Loop Lines must be torn down and the materials thereof removed, and for that purpose the Commission desires to sell said buildings, on condition that the same be torn down and the materials thereof removed; now therefore, it is

Resolved, That said buildings erected on said parcels of property and the appurtenances thereto be sold at public auction, subject to the approval of the Commissioners of the Sinking Fund of The City of New York; and it is further

Resolved, That notice of said sale be published in the CITY RECORD daily for a period of fifteen days, said notice being in the form hereto annexed, which the Chairman and Secretary are hereby directed to execute.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The notice referred to is not inserted in the minutes.

(23)

FOURTH AVENUE SUBWAY, BROOKLYN.

1075

The Secretary presented the following communication from the Counsel to the Commission with respect to contracts for the construction of rapid transit roads:

May 11, 1908.

Hon. WILLIAM MCCARROLL, Commissioner:

SIR—In answer to your oral request for an opinion whether the Comptroller of the City is required to certify contracts for the construction of rapid transit railroads, I desire to advise you as follows:

Certification of contracts entered into by the various city departments is required by Section 149 of The Greater New York Charter, which in part provides:

"No contract hereafter made, the expense of the execution of which is not by law or ordinance, in whole or in part, to be paid by assessments upon the property benefited, shall be binding or of any force, unless the comptroller shall endorse thereon his certificate that there remains unexpended and unapplied, as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the officer making the same."

Rapid Transit contracts are, however, expressly excepted from the operation of this provision by virtue of amendments to Section 149, adopted as part of the revision of 1901, and to Section 45 adopted as Chapter 7 of the Laws of 1900, and any duty the Comptroller may be under to certify rapid transit contracts cannot rest upon the authority given him by Section 149, but is dependent on Section 45 of The Greater New York Charter and Section 37 of the Rapid Transit Act. The history of these provisions throws such a light on this question that it is necessary to review it at some length.

Prior to 1891 the power to construct rapid transit railroads was in rapid transit commissions which were appointed from time to time by the Mayor, but this was changed as regards The City of New York by the enactment of the Rapid Transit Act of that year, which contemplated the creation of a single permanent commission, and even more radically by the amendments of 1894 to that act which took the control of such construction out of the hands of the local authorities and lodged it in a board appointed by the legislature. To make the board's authority complete the legislature gave it ample power to carry on the work independently of other boards or officials, and itself prescribed the limit of the amount of indebtedness which the board could incur on behalf of the City at fifty-five million dollars. The only province therefore of the municipal authorities after the form of the contract had been approved by the Corporation Counsel was to advance the necessary means upon the requisition of the Rapid Transit Board.

Section 37 of the Rapid Transit Act, as amended by Chapter 519 of the Laws of 1895, provided in part:

"For the purpose of providing the necessary means for such construction * * * the board of estimate * * * *from time to time, and as the same shall be necessary, and upon the requisition of said board of rapid transit railroad commissioners shall direct the comptroller, * * * and it shall thereupon become his duty, to issue the bonds of said city at such a rate of interest, not exceeding three and one-half per centum per annum, as said board of estimate and apportionment * * * may prescribe. * * * The amount of bonds authorized to be issued and sold by this section shall not exceed fifty millions of dollars, par value, without the consent of the legislature first had and obtained, provided, however, that such amount shall be increased by a sum not exceeding five millions of dollars, if the board of rapid transit railroad commissioners shall certify that such increase is made necessary by payments required*

for any lands, property, rights, terms, easements or privileges which shall be acquired by the said city as hereinafter provided."

This was the financial provision of the Rapid Transit Act as it existed in 1900 at a time immediately prior to the execution of the contract with Mr. McDonald for the construction of the present Manhattan-Bronx Rapid Transit Railroad. It will be noted that the maximum amount of bonds to be issued was fixed by legislative enactment, and the only duty of the board of estimate was "from time to time, and as the same shall be necessary," to "direct the comptroller * * * to issue * * * bonds," the theory of the act evidently being that the maximum expenditure being fixed, the rapid transit board should call on the board of estimate for funds as they were needed, the intention being to provide for carrying on the work without coming into conflict with the debt limit provision of the Constitution. The provision for the construction of the railroad by sections was drawn with this end in view, and it seems to me the framers of the act contemplated the requisitioning of funds as the work progressed without perhaps embarrassing the city by an appropriation at the outset of the many million dollars necessary to complete the work.

At that time Section 149 of The Greater New York Charter was in force but without the proviso excepting the rapid transit board from its provisions, and when the time came for making the contract with Mr. McDonald the question of certification proved most embarrassing. To obviate this difficulty a bill was presented to and passed by the legislature which was explained in a memorial addressed to Governor Roosevelt, printed in full at pages 876 to 880 of Volume II of the Minutes of the Rapid Transit Board. On page 878 it is stated:

"On looking into the statutes, the Comptroller saw two apparent difficulties:

A. The Rapid Transit act plainly provided that the bonds should be issued by the Board of Estimate and Apportionment or 'other local authority' so that it was tolerably apparent that the vote of the Municipal Assembly would be necessary for the issuance of the bonds required to pay for the road.

B. The Greater New York Charter in general terms provided that no contract should be valid unless endorsed with a certificate which the Comptroller could not truthfully give in respect to the Rapid Transit contract, and doubted whether the proviso of section 45 covered this point.

Accordingly, the bill recently passed by both Houses of the Legislature was drafted. To meet the first point above the bill provides in express terms that the vote of the Municipal Assembly shall not be necessary, thus doing away with this objection.

As to the second point, the Comptroller is of the opinion that for the orderly conduct of the business of his office it is very important that the system established by the Greater New York Charter of making his certificate essential to the validity of each contract, and of keeping a record of each contract, shall be maintained. This is a matter of the routine of his office. In order to meet these views, in which the Mayor fully concurs, the bill was drawn in its present form, so as to provide that the

Rapid Transit Commissioners in The City of New York might make one requisition for the entire amount of bonds necessary to the completion of the contract. This they could not do under the existing act which provides (Laws of 1895, chapter 519, section 12) that the Board shall make requisition for bonds 'from time to time as the same shall be necessary.' It is further provided by the bill now before you that when such requisition is approved by the Board of Estimate and Apportionment, the Comptroller shall certify the contract, and that no further certificate shall be necessary, but that the bonds shall only be disposed of from time to time as may be necessary to meet the payments due to the contractors."

The bill which was enacted into law as Chapter 7 of the Laws of 1900 took the form of an amendment to Section 45 of the Charter, which although changed by later amendments is, in so far as it affects this question, the same as originally drawn, and provided:

"The board of estimate and apportionment and the comptroller of The City of New York shall, anything herein contained to the contrary notwithstanding, be subject to all the duties and obligations prescribed in said chapter four of the laws of eighteen hundred and ninety-one as amended for the board of estimate and apportionment and comptroller therein mentioned. *Upon the execution of any contract made pursuant to chapter four of the laws of eighteen hundred and ninety-one as amended, the board of rapid transit railroad commissioners may, in its discretion, make request upon the board of estimate and apportionment for the authorization of such corporate stock, either for such amounts from time to time as they shall deem the progress of the work to require, or for the full amount sufficient to pay the entire estimated expense of executing such contract. In case they shall make requisition for the entire amount, the comptroller shall endorse on the contract his certificate that funds are available for the entire contract whenever such stock shall have been authorized to be issued by said board of estimate and apportionment; and in such case such stock may be issued from time to time thereafter in such amounts as may be necessary to meet the requirements of such contract. The certificate of the comptroller, mentioned in section one hundred and forty-nine of this act, shall not be necessary to make such contract binding on The City of New York.*"

It will therefore be seen that to meet the wishes of the city officials the Rapid Transit Board was empowered to make requisition for the full amount, but at the same time retaining the right given both by Section 37 and by the amendment to Section 45 to requisition funds as they were needed. If the full amount was asked for, a certificate, different however from that required for the usual city contract, was provided for; but if the full amount was not asked for, then no certificate was necessary.

Since 1900 Section 37 of the Rapid Transit Act has been the subject of important amendments, the one most affecting this question being the one introduced by Chapter 562 of the Laws of 1904, which removed the legislative restriction upon the amount of bonds to be issued, and left the matter of fixing the maximum amount of rapid transit expenditures in the board of estimate. Section 37 now provides in part:

[May 26, 1908.]

*"The amount of bonds authorized to be issued and sold by this section shall not exceed the limit of amount which shall be prescribed by the board of estimate and apportionment or such other local authority having power to make appropriations of moneys to be raised by taxation; and no contract * * * shall be made unless and until such board of estimate and apportionment or such other local authority shall have consented thereto and prescribed a limit to the amount of bonds available for the purposes of this section which shall be sufficient to meet the requirements of such contract in addition to all obligations theretofore incurred and to be satisfied from such bonds."*

Although it has been the practise of the Rapid Transit Board to make requisition for the full amount of each contract, and although it might seem from a first reading of this provision that to prescribe a limit to the amount to be expended required such a course to be followed, I deem it clear from the history of this legislation and from the other provisions of this section, requiring the board of estimate to make appropriations from time to time, and the further provision that the limit prescribed shall be sufficient to meet the requirements of such contract in addition to all other outstanding obligations, that the intention was to allow the board of estimate to exercise the right previously exercised by the legislature and put a limit on all rapid transit expenditures irrespective of the contract or the route for which the money was intended. My conclusion is therefore, that the discretion of the rapid transit board as to the character of their requisitions has remained undisturbed and the commission may now make requisition for all or any part of the money necessary. It therefore seems to me, unless there are some practical objections to such a course to which my attention has not been called, that when the time comes for submitting the Fourth Avenue contracts to the board of estimate the Commission can ask that board to set a limit to rapid transit expenditures, and under Section 45 ask for such part of the total amount called for by the contract as may be presently necessary. If less than the full amount is requisitioned Section 45 clearly provides that the Comptroller's certificate is not necessary.

Respectfully yours,
(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

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The Secretary also presented the following letter from the Counsel to the Commission:

May 26, 1908.

Public Service Commission for the First District:

SIRs—I transmit herewith for your consideration forms of resolutions and requisitions for each of the six sections of the Fourth Avenue Subway. I also send you a copy of the contract for each of the six sections for transmittal to the Board of Estimate.

Respectfully yours,
(Signed) GEO. S. COLEMAN,
Counsel to the Commission.

CONTRACT NO. 1, SECTION M. B. NO. 1.

The following resolution was thereupon moved and duly seconded:

Whereas, The Commission has, subject to the consent of the Board of Estimate and Apportionment of The City of New York being obtained, accepted the proposal of James P. Graham for the construction of that portion of the proposed rapid transit railroad in Fourth Avenue and other streets in the Borough of Brooklyn, known as the Manhattan Bridge Connection No. 1, which extends under Flatbush Avenue Extension from Nassau Street to Willoughby Street, for the sum of One Million, Twenty Thousand Four Hundred and Seventy-six and 55/100 Dollars (\$1,020,476.55) and did also accept the proposal of the said James P. Graham for the construction of pipe galleries embraced within the said section, for the sum of One Hundred One Thousand Three Hundred Seventy-four and 55/100 Dollars (\$101,374.55),

Now, therefore, be it

Resolved, That the Chairman and Secretary be and they are hereby authorized and directed to request the Board of Estimate and Apportionment of The City of New York to consent to the said contract and to prescribe a limit to the amount of bonds available for the purposes of the said contract, and to request said Board of Estimate and Apportionment of The City of New York to direct the Comptroller to issue bonds of The City of New York for the purpose of providing the necessary means for the construction of the railroad and the pipe galleries, and to make request on the Board of Estimate and Apportionment of The City of New York for the authorization of corporate stock to the amount of Two Hundred Thousand Dollars (\$200,000.00) for railroad construction and Twenty Thousand Dollars (\$20,000.00) for pipe gallery construction, those being the amounts which the Commission deems now necessary for the said contract and the progress of the work to require at the present time.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The form of communication to the Board of Estimate and Apportionment, making requisition as above set forth, was as follows:

To the Board of Estimate and Apportionment of The City of New York:

The Public Service Commission for the First District now transmits to you for your consent as required by law a proposed contract, for the construction of Manhattan Bridge Connection No. 1 of the proposed Fourth Avenue Rapid Transit Railroad, which section extends under Flatbush Avenue Extension from Nassau Street to Willoughby Street, and also for the construction of the pipe galleries embraced within such section. The form of the proposed contract is for construction alone, in accordance with the resolution adopted by your Board on the 4th day of June, 1907.

The route, of which the portion of the railroad to be constructed under this contract forms a part, was adopted by the former Rapid Transit Board on the 18th day of April, 1907, and was thereafter consented to by the local authorities and by a majority in value of the owners of abutting property. The Public Service Commission for the First District pursuant to law prepared detailed plans and specifications for the construction of such Rapid Transit Railway and included in said plans provisions for galleries, ways, subways or tunnels, for gas or water pipes, electric wires and other subsurface structures and conductors proper to be placed underground (hereinafter in this communication referred to as pipe galleries) and determined to make a separate contract for the construction of a part of the said route under Flatbush Avenue Extension from Nassau Street to Willoughby Street. The form of the said contract as duly adopted by the Commission was submitted to the Corporation Counsel, and the Commission was advised by him in a communication dated March 30, 1908, that it is correct in form, and such contract was approved by your Honorable Board on the 27th day of March, 1908.

Thereafter the Commission duly advertised for proposals by notices printed twice a week for three successive weeks in four of the daily newspapers published in the City of New York and also continuously from day to day in the CITY RECORD, which notices stated that said proposals would be opened at the office of the Commission on Friday, the 8th day of May, 1908, at 12:00 o'clock noon. At the said time and place the proposals were publicly opened, and those received were as follows:—

Name of Bidder.	For Railroad Construction.	For Pipe Gallery Construction.	Total.
James P. Graham.....	\$1,020,476.55	\$101,374.55	\$1,121,851.10
Rodgers & Hagerty.....	1,374,000.00	118,000.00	1,492,000.00
Borough Const. Co. & Chas. Cranford.....	1,464,705.12	150,015.36	1,614,720.48
S. Pearson & Son, Incorp.....	1,476,459.00	162,763.00	1,639,222.00
The Degnon Contracting Co.....	1,506,190.00	136,590.00	1,642,580.00
Millard Construction Co.....	1,517,919.72	153,305.00	1,671,224.72
Gore Eng'g. & Cont'g. Co.....	1,685,427.80	232,572.00	1,917,999.80
William Bradley	1,690,903.00	189,150.00	1,880,053.00
Cranford Company	1,941,978.00	200,864.00	2,142,842.00

An informal proposal was also received from Westinghouse Church Kerr & Company, which was based upon what is known as the master and servant type of contract, and which differed so radically from the proposals requested by the invitation to contractors that the Commission was advised by its Counsel that such proposal could not be considered.

The Commission having duly considered the said proposals did accept the proposal of James P. Graham, who has had some experience in sewer construction in the Boroughs of Brooklyn and Queens, both for railroad construction and for pipe

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galleries, and accordingly awarded the contract for the construction of the same to the said James P. Graham, subject to your consent as required by law. A copy of said contract as so adopted and awarded is herewith transmitted.

The Commission therefore, pursuant to the provisions of Section 37 of the Rapid Transit Act, being Chapter 4 of the Laws of 1891, as amended, and pursuant also to the provisions of Section 45 of the Greater New York Charter, requests your Honorable Board to consent to the said contract herewith transmitted and to prescribe a limit to the amount of bonds available for the purposes of the said contract, and requests you to direct the Comptroller to issue bonds of The City of New York for the purpose of providing the necessary means for the construction of the railroad and the pipe galleries, and the Commission does hereby make request for the authorization of corporate stock to the amount of Two Hundred Thousand Dollars (\$200,000.) for railroad construction and Twenty Thousand Dollars (\$20,000.) for pipe gallery construction, those being the amounts which the Commission deems necessary for the said contract and the progress of the work to require at the present time.

In witness whereof, the Public Service Commission for the First District has caused these presents to be signed by its Chairman and its official seal to be hereto affixed and attested by its Secretary, this 26th day of May, 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

By

Chairman.

Attest:

By

Secretary.

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CONTRACT No. 2, SECTION 9-C-1.

The following resolution was also moved and duly seconded:

Whereas, The Commission did, on the 22nd day of May, 1908, subject to the consent of the Board of Estimate and Apportionment of The City of New York being obtained, accept the proposal of William Bradley for the construction of that portion of the proposed rapid transit railroad in Fourth Avenue and other streets in the Borough of Brooklyn, known as Section 9-C-1, which extends under Flatbush Avenue Extension and Fulton Street from Willoughby Street to Ashland Place, for the sum of Three Million, Four Hundred Thirty-six Thousand and Nineteen Dollars (\$3,436,019.00), and did also accept the proposal of the said William Bradley for the construction of pipe galleries embraced within the said section, for the sum of Fifty-eight Thousand Six Hundred and Ninety-five Dollars (\$58,695.00).

Now, therefore, be it

Resolved, That the Chairman and Secretary be and they are hereby authorized and directed to request the Board of Estimate and Apportionment of The City of New York to consent to the said contract and to prescribe a limit to the amount of bonds available for the purposes of the said contract, and to request said Board of Estimate and Apportionment of The City of New York to direct the Comptroller to issue bonds

of The City of New York for the purpose of providing the necessary means for the construction of the railroad and the pipe galleries, and to make request on the Board of Estimate and Apportionment of The City of New York for the authorization of corporate stock to the amount of Five Hundred Thousand Dollars (\$500,000.00) for railroad construction and Ten Thousand Dollars (\$10,000.00) for pipe gallery construction, those being the amounts which the Commission deems now necessary for the said contract and the progress of the work to require at the present time.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

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The form of communication to the Board of Estimate and Apportionment, making requisition as above set forth, was as follows:

To the Board of Estimate and Apportionment of The City of New York:

The Public Service Commission for the First District now transmits to you for your consent as required by law a proposed contract for the construction of Section 9-C-1 of a proposed rapid transit railroad in Fourth Avenue and other streets in the Borough of Brooklyn which section extends under Flatbush Avenue Extension and Fulton Street from Willoughby Street to Ashland Place, and also for the construction of the pipe galleries embraced within such section. The proposed contract is for construction alone, in accordance with the resolution adopted by you on the 4th day of June, 1907.

The route of which the portion of the railroad to be constructed under this contract forms a part was adopted by the former Rapid Transit Board by resolutions adopted on the 25th day of May, 1905, and thereafter consented to by the local authorities and by the Appellate Division of the Supreme Court in the Second Judicial Department. The Public Service Commission for the First District pursuant to law prepared detailed plans and specifications for the construction of such Rapid Transit Railway and included in said plans provisions for galleries, ways, subways or tunnels, for gas or water pipes, electric wires and other subsurface structures and conductors proper to be placed underground (hereinafter in this communication referred to as pipe galleries) and determined to make a separate contract for the construction of a part of the said route along Flatbush Avenue Extension and Fulton Street from Willoughby Street to Ashland Place. The form of the said contract as duly adopted by the Commission was submitted to the Corporation Counsel, and the Commission was advised by him in a communication dated the 30th day of March, 1908 that it is correct in form, and such contract was approved by you on the 27th day of March, 1908.

Thereafter the Commission duly advertised for proposals by notices printed twice a week for three successive weeks in four of the daily newspapers published in the

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City of New York and also continuously from day to day in the CITY RECORD which notices stated that said proposals would be opened at the office of the Commission on Friday, the 8th day of May, 1908, at 12:00 o'clock noon. At the said time the proposals were publicly opened, and those received were as follows:

Name of Bidder.	For Railroad Construction.	For Pipe Gallery Construction.	Total.
William Bradley	\$3,436,019.00	\$58,695.00	\$3,494,714.00
Millard Construction Company.....	3,729,344.08	38,987.00	3,768,331.08
Cranford Company	5,230,495.25	80,507.00	5,311,002.25
Degnon Contracting Company.....	5,750,085.00	34,750.00	5,784,835.00

An informal proposal was also received from Westinghouse Church Kerr & Company, which was based upon what is known as the master and servant type of contract, and which differed so radically from the proposals requested by the invitation to contractors that the Commission was advised by its Counsel that such proposal could not be considered.

The Commission having duly considered the said proposals did, on the 22d day of May, 1908, accept the proposal of the lowest bidder, William Bradley, for both the construction of the railroad and the pipe galleries, and accordingly awarded the contract for the construction of the same to the said William Bradley, subject to your consent, as required by law. A copy of said contract as so adopted and awarded is herewith transmitted.

William Bradley, the bidder whose proposal was so accepted, has had considerable experience in the construction of Rapid Transit Railroads, and is at present the contractor for three sections of the Manhattan Loop Lines now building in Centre and other streets in the Borough of Manhattan, and the Commission believes him to be competent to perform this work.

The Commission therefore, pursuant to the provisions of Section 37 of the Rapid Transit Act, being Chapter 4 of the Laws of 1891, as amended, and pursuant also to the provisions of Section 45 of the Greater New York Charter, requests you to consent to the amount of bonds available for the purposes of the said contract, and requests you to direct the Comptroller to issue bonds of The City of New York for the purpose of providing the necessary means for the construction of the said railroad and pipe galleries, and the Commission does hereby make request for the authorization of corporate stock to the amount of Five Hundred Thousand Dollars (\$500,000) for railroad construction and Ten Thousand Dollars (\$10,000) for pipe gallery construction, these being the amounts which the Commission deems now necessary for the said contract and the progress of the work to require at the present time.

In witness whereof, the Public Service Commission for the First District has caused these presents to be signed by its Chairman and its official seal to be hereto affixed and attested by its Secretary, this 26th day of May, 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

By

Chairman.

Attest;

By

Secretary.

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CONTRACT No. 3, SECTIONS 11-E-1 AND 11-A-1.

The following resolution was also moved and duly seconded:

Whereas, The Commission did, on the 22nd day of May, 1908, subject to the consent of the Board of Estimate and Apportionment of The City of New York being obtained, accept the proposal of William Bradley for the construction of that portion of the proposed rapid transit railroad in Fourth Avenue and other streets in the Borough of Brooklyn, known as Section 11-E-1 and 11-A-1, which extends under Ashland Place and Fourth Avenue from Fulton Street to Sackett Street, for the sum of Three Million, Three Hundred and Ninety-two Thousand and Ninety-one Dollars and fifty cents (\$3,392,091.50) and did also accept the proposal of the said William Bradley for the construction of pipe galleries embraced within the said section, for the sum of Two Hundred and Eight Thousand One Hundred and Thirty-five Dollars (\$208,135.00).

Now, therefore, be it

Resolved, That the Chairman and Secretary be and they are hereby authorized and directed to request the Board of Estimate and Apportionment of The City of New York to consent to the said contract and to prescribe a limit to the amount of bonds available for the purposes of the said contract, and to request said Board of Estimate and Apportionment of The City of New York to direct the Comptroller to issue bonds of The City of New York for the purpose of providing the necessary means for the construction of the railroad and the pipe galleries, and to make request on the Board of Estimate and Apportionment of The City of New York for the authorization of corporate stock to the amount of Five Hundred Thousand Dollars (\$500,000.00) for railroad construction and Thirty Thousand Dollars (\$30,000.00) for pipe gallery construction, those being the amounts which the Commission deems now necessary for the said contract and the progress of the work to require at the present time.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The form of communication to the Board of Estimate and Apportionment, making requisition as above set forth, was as follows:

To the Board of Estimate and Apportionment of The City of New York:

The Public Service Commission for the First District now transmits to you for your consent as required by law a proposed contract for the construction of Section 11-E-1 and 11-A-1 of the proposed Fourth Avenue Rapid Transit Railroad in the Borough of Brooklyn, which section extends under Ashland Place and Fourth Avenue from Fulton Street to Sackett Street, and also for the construction of the pipe galleries embraced within such section. The form of the proposed contract is for construction alone, in accordance with the resolution adopted by your Board on the 4th day of June, 1907.

The route of which the portion of the railroad to be constructed under this contract forms a part was adopted by the former Rapid Transit Board by resolutions adopted on the 1st day of June, 1905, and thereafter consented to by the local authorities and by the Appellate Division of the Supreme Court in the Second Judicial Department. The Public Service Commission for the First District pursuant to law prepared detailed plans and specifications for the construction of such Rapid Transit Railway and included in said plans provisions for galleries, ways, subways or tunnels, for gas or water pipes, electric wires and other subsurface structures and conductors proper to be placed underground (hereinafter in this communication referred to as pipe galleries) and determined to make a separate contract for the construction of a part of the said route under Ashland Place and Fourth Avenue from Fulton Street to Sackett Street. The form of the said contract as duly adopted by the Commission was submitted to the Corporation Counsel, and the Commission was advised by him in a communication dated the 30th of March, 1908, that it is correct in form, and such contract was approved by your Honorable Board on the 27th day of March, 1908.

Thereafter the Commission duly advertised for proposals by notices printed twice a week for three successive weeks in four of the daily newspapers published in the City of New York and also continuously from day to day in the *CITY RECORD*, which notices stated that said proposals would be opened at the office of the Commission on Friday, the 8th day of May, 1908, at 12:00 o'clock noon. At the said time and place the proposals were publicly opened, and those received were as follows:

Name of Bidder.	For Railroad Construction.	For Pipe Gallery Construction.	Total.
William Bradley	\$3,392,091.50	\$208,135.00	\$3,600,226.50
The Degnon Contracting Co.....	4,766,587.00	121,210.00	4,887,797.00
Cranford Company	4,809,574.00	250,935.00	5,060,509.00

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An informal proposal was also received from Westinghouse Church Kerr & Company, which was based upon what is known as the master and servant type of contract, and which differed so radically from the proposals requested by the invitation to contractors that the Commission was advised by its Counsel that such proposal could not be considered.

The Commission having duly considered the said proposals did, on the 22nd day of May, 1908, accept the proposal of the lowest bidder, William Bradley, both for the construction of the railroad and the pipe galleries, and accordingly awarded the contract for the construction of the same to the said William Bradley, subject to your consent, as required by law. A copy of said contract as so adopted and awarded is herewith transmitted.

William Bradley, the bidder whose proposal was accepted, has had considerable experience in the construction of Rapid Transit Railroads, and is at present the contractor for three sections of the Manhattan Loop Lines now building in Centre and other streets in the Borough of Manhattan, and the Commission believes him to be competent to perform this work.

The Commission therefore, pursuant to the provisions of Section 37 of the Rapid Transit Act, being Chapter 4 of the Laws of 1891, as amended, and pursuant also to the provisions of Section 45 of the Greater New York Charter, requests your Honorable Board to consent to the said contract and to prescribe a limit to the amount of bonds available for the purposes of the said contract, and requests you to direct the Comptroller to issue bonds of The City of New York for the purpose of providing the necessary means for the construction of the railroad and the pipe galleries, and the Commission does hereby make request for the authorization of corporate stock to the amount of Five Hundred Thousand Dollars (\$500,000) for railroad construction and Thirty Thousand Dollars (\$30,000) for pipe gallery construction, those being the amounts which the Commission deems now necessary for the said contract and the progress of the work to require at the present time.

In witness whereof, the Public Service Commission for the First District has caused these presents to be signed by its Chairman and its official seal to be hereto affixed and attested by its Secretary, this 26th day of May, 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

By

Chairman.

Attest:

By

Secretary.

CONTRACT No. 4, SECTION 11-A-2.

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The following resolution was also moved and duly seconded:

Whereas, The Commission did, on the 22nd day of May, 1908, subject to the consent of the Board of Estimate and Apportionment of The City of New York being obtained, accept the proposal of E. E. Smith Contracting Company for the construction of that portion of the proposed rapid transit railroad in Fourth Avenue and

other streets in the Borough of Brooklyn, known as Section 11-A-2, which extends under Fourth Avenue from Sackett Street to Tenth Street, for the sum of Two Million Two Hundred Eighty-three Thousand Five Hundred Fifty-three Dollars and thirty cents (\$2,283,553.30) and did also accept the proposal of the said E. E. Smith Contracting Company for the construction of pipe galleries embraced within the said section, for the sum of Two Hundred Six Thousand Six Hundred Seventy-two Dollars (\$206,672.00).

Now, therefore, be it

Resolved, That the Chairman and Secretary be and they are hereby authorized and directed to request the Board of Estimate and Apportionment of The City of New York to consent to the said contract and to prescribe a limit to the amount of bonds available for the purposes of the said contract, and to request said Board of Estimate and Apportionment of The City of New York to direct the Comptroller to issue bonds of The City of New York for the purpose of providing the necessary means for the construction of the railroad and the pipe galleries, and to make request on the Board of Estimate and Apportionment of The City of New York for the authorization of corporate stock to the amount of Five Hundred Thousand Dollars (\$500,000.00) for railroad construction and Thirty Thousand Dollars (\$30,000.00) for pipe gallery construction, those being the amounts which the Commission deems now necessary for the said contract and the progress of the work to require at the present time.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

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The form of communication to the Board of Estimate and Apportionment, making requisition as above set forth, was as follows:

To the Board of Estimate and Apportionment of The City of New York:

The Public Service Commission for the First District now transmits to you for your consent as required by law a proposed contract, for the construction of Section 11-A-2 of the proposed Fourth Avenue Rapid Transit Railroad in the Borough of Brooklyn, which section extends under Fourth Avenue from Sackett Street to Tenth Street, and also for the construction of the pipe galleries embraced within such section. The form of the proposed contract is for construction alone, in accordance with the resolution adopted by your Board on the 4th day of June, 1907.

The route, of which the portion of the railroad to be constructed under this contract forms a part, was adopted by the former Rapid Transit Board on the 1st day of June, 1905, and was thereafter consented to by the local authorities and by the Appellate Division of the Supreme Court in the Second Judicial Department. The Public Service Commission for the First District pursuant to law prepared detailed plans and specifications for the construction of such Rapid Transit Railway and in-

cluded in said plans provisions for galleries, ways, subways or tunnels, for gas or water pipes, electric wires and other subsurface structures and conductors proper to be placed underground (hereinafter in this communication referred to as pipe galleries) and determined to make a separate contract for the construction of a part of the said route under Fourth Avenue from Sackett Street to Tenth Street. The form of the said contract as duly adopted by the Commission was submitted to the Corporation Counsel, and the Commission was advised by him in a communication dated March 30, 1908, that it is correct in form, and such contract was approved by your Honorable Board on the 27th day of March, 1908.

Thereafter the Commission duly advertised for proposals by notices printed twice a week for three successive weeks in four of the daily newspapers published in the City of New York and also continuously from day to day in the CITY RECORD, which notices stated that said proposals would be opened at the office of the Commission on Friday, the 8th day of May, 1908, at 12:00 o'clock noon. At the said time and place the proposals were publicly opened, and those received were as follows:—

Name of Bidder.	For Railroad Construction.	For Pipe Gallery Construction.	Total.
E. E. Smith Contracting Co.....	\$2,283,553.30	\$206,672.00	\$2,490,225.30
Millard Construction Co.....	2,456,155.02	280,383.00	2,736,538.02
S. Pearson & Son, Incorp.....	2,659,631.00	258,790.00	2,918,421.00
Gore Eng'g. & Cont'g. Co.....	2,828,195.50	308,877.50	3,137,073.00
William Bradley	2,851,620.60	325,805.00	3,177,425.60
Washington Contracting Co.....	3,090,000.00	215,000.00	3,305,000.00

An informal proposal was also received from Westinghouse, Church, Kerr & Company, which was based upon what is known as the master and servant type of contract, and which differed so radically from the proposals requested by the invitation to contractors that the Commission was advised by its Counsel that such proposal could not be considered.

The Commission having duly considered the said proposals did, on the 22d day of May, 1908, accept the proposal of the lowest bidder, the E. E. Smith Contracting Company, both for the railroad construction and the pipe galleries, and accordingly awarded the contract for the construction of the same to the said E. E. Smith Contracting Company, subject to your consent, as required by law. A copy of said contract as so adopted and awarded is herewith transmitted.

The Commission is advised that the E. E. Smith Contracting Company has been engaged in important subway work in the City of Philadelphia and believes it competent to perform this work.

The Commission therefore, pursuant to the provisions of Section 37 of the Rapid Transit Act, being Chapter 4 of the Laws of 1891, as amended, and pursuant also

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to the provisions of Section 45 of the Greater New York Charter, requests you to consent to the said contract and to prescribe a limit to the amount of bonds available for the purposes of the said contract, and requests you to direct the comptroller to issue bonds of the City of New York for the purpose of providing the necessary means for the construction of the railroad and the pipe galleries, and the Commission does hereby make request for the authorization of corporate stock to the amount of Five Hundred Thousand Dollars (\$500,000) for railroad construction and Thirty Thousand Dollars (\$30,000) for pipe gallery construction, those being the amounts which the Commission deems now necessary for the said contract and the progress of the work to require at the present time.

In witness whereof, the Public Service Commission for the First District has caused these presents to be signed by its Chairman and its official seal to be hereto affixed and attested by its Secretary, this 26th day of May, 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

By

Chairman.

Attest:

By

Secretary.

1105

CONTRACT NO. 5, SECTION 11-A-3.

The following resolution was also moved and duly seconded:

Whereas, The Commission did, on the 22nd day of May, 1908, subject to the consent of the Board of Estimate and Apportionment of The City of New York being obtained, accept the proposal of Tidewater Building Company and Thomas B. Bryson for the construction of that portion of the proposed rapid transit railroad in Fourth Avenue and other streets in the Borough of Brooklyn, known as Section 11-A-3, which extends under Fourth Avenue from Tenth Street to Twenty-seventh Street, for the sum of One Million Nine Hundred and Forty-five Thousand Six Hundred and Forty Dollars and fifty cents (\$1,945,640.50) and did also accept the proposal of the said Tidewater Building Company and Thomas B. Bryson for the construction of pipe galleries embraced within the said section, for the sum of Two Hundred and Fifty-one Thousand and seventy-six Dollars (\$251,076).

Now, therefore, be it

Resolved, That the Chairman and Secretary be and they are hereby authorized and directed to request the Board of Estimate and Apportionment of The City of New York to consent to the said contract and to prescribe a limit to the amount of bonds available for the purposes of the said contract, and to request said Board of Estimate and Apportionment of The City of New York to direct the Comptroller to issue bonds of The City of New York for the purpose of providing the necessary means for the construction of the railroad and the pipe galleries, and to make request on the Board of Estimate and Apportionment of The City of New York for the authorization of corporate stock to the amount of Five Hundred Thousand Dollars (\$500,000.00) for railroad construction and Thirty Thousand Dollars (\$30,000.00) for pipe gallery con-

struction, those being the amounts which the Commission deems now necessary for the said contract and the progress of the work to require at the present time.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

1105

The form of communication to the Board of Estimate and Apportionment, making requisition as above set forth, was as follows:

To the Board of Estimate and Apportionment of The City of New York:

The Public Service Commission for the First District now transmits to you for your consent as required by law a proposed contract for the construction of Section 11-A-3 of the proposed Fourth Avenue Rapid Transit Railroad, which section extends under Fourth Avenue from Tenth Street to Twenty-seventh Street, and also for the construction of the pipe galleries embraced within such section. The form of the proposed contract is for construction alone, in accordance with the resolution adopted by your Board on the 4th day of June, 1907.

The route, of which the portion of the railroad to be constructed under this contract forms a part, was adopted by the former Rapid Transit Board on the 1st day of June, 1905, and was thereafter consented to by the local authorities and by the Appellate Division of the Supreme Court in the Second Judicial Department. The Public Service Commission for the First District pursuant to law prepared detailed plans and specifications for the construction of such Rapid Transit Railway and included in said plans provisions for galleries, ways, subways or tunnels, for gas or water pipes, electric wires and other subsurface structures and conductors proper to be placed underground (hereinafter in this communication referred to as pipe galleries) and determined to make a separate contract for the construction of a part of the said route under Fourth Avenue from Tenth Street to Twenty-seventh Street. The form of the said contract as duly adopted by the Commission was submitted to the Corporation Counsel, and the Commission was advised by him in a communication dated March 30, 1908, that it is correct in form, and such contract was approved by your Honorable Board on the 27th day of March, 1908.

Thereafter the Commission duly advertised for proposals by notices printed twice a week for three successive weeks in four of the daily newspapers published in the City of New York and also continuously from day to day in the CITY RECORD, which notices stated that said proposals would be opened at the office of the Commission on Friday, the 8th day of May, 1908, at 12:00 o'clock noon. At the said time and place the proposals were publicly opened, and those received were as follows:—

Name of Bidder.	For Railroad Construction.	For Pipe Gallery Construction.	Total.
James Graham	\$1,413,635.00	.....	.....
Tidewater Building Co. & Thomas B. Bryson.	1,945,640.50	\$251,076.00	\$2,196,716.50
E. E. Smith Contracting Co.....	2,218,566.00	303,512.00	2,522,078.00
S. Pearson & Son, Incorp.....	2,508,031.00	327,229.00	2,835,260.00
Millard Construction Co.....	2,595,503.02	415,180.00	3,010,683.02
Gore Eng'ng. & Cont'ng. Co.....	2,837,908.15	414,969.50	3,252,877.65
William Bradley	3,057,764.10	428,715.00	3,486,479.10
The Phoenix Construction Co.....	3,128,000.00	481,000.00	3,609,000.00

An informal proposal was also received from Westinghouse Church Kerr & Company, which was based upon what is known as the master and servant type of contract, and which differed so radically from the proposals requested by the invitation to contractors that the Commission was advised by its Counsel that such proposal could not be considered. The lowest bid for railroad construction received, that of James P. Graham, was not accompanied by a bid for the construction of the pipe galleries as was required by the invitation, and on the advice of the Counsel to the Commission this bid was rejected as defective.

The Commission having duly considered the said proposals did, on the 22nd day of May, 1908, accept the proposal of Tidewater Building Company and Thomas B. Bryson, both for railroad construction and for pipe galleries, and accordingly awarded the contract for the construction of the same to the said Tidewater Building Company and Thomas B. Bryson, subject to your consent as required by law. A copy of said contract as so adopted and awarded is herewith transmitted.

The Commission is informed that the said Tidewater Building Company and Thomas B. Bryson have had extensive experience in building operations and believes them competent to perform this work.

The Commission therefore, pursuant to the provisions of Section 37 of the Rapid Transit Act, being Chapter 4 of the Laws of 1891, as amended, and pursuant also to the provisions of Section 45 of the Greater New York Charter, requests your Honorable Board to consent to the said contract herewith transmitted and to prescribe a limit to the amount of bonds available for the purposes of the said contract, and requests you to direct the Comptroller to issue bonds of The City of New York for the purpose of providing the necessary means for the construction of the railroad and the pipe galleries, and the Commission does hereby make request for the authorization of corporate stock to the amount of Five Hundred Thousand Dollars (\$500,000.) for railroad construction and Thirty Thousand Dollars (\$30,000.) for pipe gallery construction, those being the amounts which the Commission deems necessary for the said contract and the progress of the work to require at the present time.

In witness whereof, the Public Service Commission for the First District has caused these presents to be signed by its Chairman and its official seal to be hereto affixed and attested by its Secretary, this 26th day of May, 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

By

Chairman,

Attest:

By

Secretary.

1106

CONTRACT No. 6, SECTION 11-A-4.

The following resolution was also moved and duly seconded:

Whereas, The Commission did, on the 22nd day of May, 1908, subject to the consent of the Board of Estimate and Apportionment of The City of New York being obtained, accept the proposal of E. E. Smith Contracting Company for the construction of that portion of the proposed rapid transit railroad in Fourth Avenue and other streets in the Borough of Brooklyn, known as Section 11-A-4, which extends under Fourth Avenue from Twenty-seventh Street to Forty-third Street, for the sum of Two Million Eight Hundred Eight Thousand and Nine Hundred Eighty-two and 80/100 Dollars (\$2,808,982.80), and did also accept the proposal of the said E. E. Smith Contracting Company for the construction of pipe galleries embraced within the said section, for the sum of One Hundred Seventy-three Thousand Six Hundred Sixty-five Dollars (\$173,665.00).

Now, therefore, be it

Resolved, That the Chairman and Secretary be and they are hereby authorized and directed to request the Board of Estimate and Apportionment of The City of New York to consent to the said contract and to prescribe a limit to the amount of bonds available for the purposes of the said contract, and to request said Board of Estimate and Apportionment of The City of New York to direct the Comptroller to issue bonds of The City of New York for the purpose of providing the necessary means for the construction of the railroad and the pipe galleries, and to make request on the Board of Estimate and Apportionment of The City of New York for the authorization of corporate stock to the amount of Five Hundred Thousand Dollars (\$500,000.00) for railroad construction and Thirty Thousand Dollars (\$30,000.00) for pipe gallery construction, those being the amounts which the Commission deems now necessary for the said contract and the progress of the work to require at the present time.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

The form of communication to the Board of Estimate and Apportionment, making requisition as above set forth, was as follows:

To the Board of Estimate and Apportionment of The City of New York:

The Public Service Commission for the First District now transmits to you for your consent as required by law a proposed contract for the construction of Section 11-A-4 of the proposed Fourth Avenue Rapid Transit Railroad in the Borough of Brooklyn, which section extends under Fourth Avenue from Twenty-seventh Street to Forty-third Street, and also for the construction of the pipe galleries embraced within such section. The form of the proposed contract is for construction alone, in accordance with the resolution adopted by your Board on the 4th day of June, 1907.

The route, of which the portion of the railroad to be constructed under this contract forms a part, was adopted by the former Rapid Transit Board on the 1st day of June, 1905, and was thereafter consented to by the local authorities and by the Appellate Division of the Supreme Court in the Second Judicial Department. The Public Service Commission for the First District pursuant to law prepared detailed plans and specifications for the construction of such Rapid Transit Railway and included in said plans provisions for galleries, ways, subways or tunnels, for gas or water pipes, electric wires and other subsurface structures and conductors proper to be placed underground (hereinafter in this communication referred to as pipe galleries) and determined to make a separate contract for the construction of a part of the said route under Fourth Avenue from Twenty-seventh Street to Forty-third Street. The form of the said contract as duly adopted by the Commission was submitted to the Corporation Counsel, and the Commission was advised by him in a communication dated March 30, 1908, that it is correct in form, and such contract was approved by your Honorable Board on the 27th day of March, 1908.

Thereafter the Commission duly advertised for proposals by notices printed twice a week for three successive weeks in four of the daily newspapers published in the City of New York and also continuously from day to day in the CITY RECORD, which notices stated that said proposals would be opened at the office of the Commission on Friday, the 8th day of May, 1908, at 12:00 o'clock noon. At the said time and place the proposals were publicly opened, and those received were as follows:

Name of Bidder.	For Railroad Construction.	For Pipe Gallery Construction.	Total.
Remington & Sherman & F. W. Carlin Const. Co.....	\$2,799,000.00	\$299,000.00	\$3,098,000.00
E. E. Smith Contracting Co.....	2,808,982.80	173,665.00	2,982,647.80
Millard Construction Co.....	3,326,412.25	200,205.00	3,526,617.25
William Bradley	3,523,435.05	217,950.00	3,741,385.05
S. Pearson & Son, Incorp.....	3,532,624.00	184,316.00	3,716,940.00

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An informal proposal was also received from Westinghouse, Church, Kerr & Company, which was based upon what is known as the master and servant type of contract, and which differed so radically from the proposals requested by the invitation to contractors that the Commission was advised by its Counsel that such proposal could not be considered.

The Commission having duly considered the said proposals did, on the 22nd day of May, 1908, accept the proposal of the lowest bidder for the combined amount of the railroad and pipe gallery bids, the E. E. Smith Contracting Company, both for the railroad construction and the pipe galleries, and accordingly awarded the contract for the construction of the same to the said E. E. Smith Contracting Company, subject to your consent, as required by law. A copy of said contract as so adopted and awarded is herewith transmitted.

The Commission is advised that the E. E. Smith Contracting Company has been engaged in important subway work in the City of Philadelphia and believes it competent to perform this work.

The Commission therefore, pursuant to the provisions of Section 37 of the Rapid Transit Act, being Chapter 4 of the Laws of 1891, as amended, and pursuant also to the provisions of Section 45 of the Greater New York Charter, requests you to consent to the said contract and to prescribe a limit to the amount of bonds available for the purposes of the said contract, and requests you to direct the Comptroller to issue bonds of The City of New York for the purpose of providing the necessary means for the construction of the railroad and the pipe galleries, and the Commission does hereby make request for the authorization of corporate stock to the amount of Five Hundred Thousand Dollars (\$500,000) for railroad construction and Thirty Thousand Dollars (\$30,000) for pipe gallery construction, those being the amounts which the Commission deems now necessary for the said contract and the progress of the work to require at the present time.

In witness whereof, the Public Service Commission for the First District has caused these presents to be signed by its Chairman and its official seal to be hereto affixed and attested by its Secretary, this 26th day of May, 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

By

Chairman.

Attest:

By

Secretary.

(24)

O-257

BROOKLYN UNION ELEVATED—NON-COMPLIANCE WITH ORDER.

Commissioner Bassett presented the following report on non-compliance by Brooklyn Union Elevated Railroad Company with order requiring a wrecking car to be placed at or near the Brooklyn terminal of the Brooklyn Bridge.

On February 11th, 1908 the Commission made final order No. 257 directed to the Brooklyn Union Elevated Railroad Company and duly served the same upon it. The

May 26, 1908.]

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order required among other things that the company should station at or near the Brooklyn terminal of the Brooklyn Bridge a wrecking car or wrecking train ready for use by said company. On the 13th day of February, 1908 the said company duly acknowledged the service of said order, accepted the same and agreed to obey its provisions. Under the provisions of the order certain tool boxes were to be put in position near the bridge on or before March 1st, 1908, and the same date was fixed for placing the wrecking car. At the same time that the company accepted the order it asked for an extension of time for placing the tool boxes. On February 21st, 1908 the Commission adopted extension order No. 280, extending the time of the company to install the tool boxes to and including the first day of April. The date for the placing of the wrecking car was not altered and remained March 1st. The company failed to comply with that part of the order which required the wrecking car to be placed at the bridge terminal, but on March 16th applied for an extension of time within which to comply with the portion of the order relating to the wrecking car. As the company was then in default in this regard, it was deemed right that no extension should be made. The Commission does not consider that it is any part of its duty to bring it to the attention of public service corporations that the time has expired within which they should comply with its orders, intending that companies should accept full responsibility for defaults. Action was thereupon taken by the Commission, declaring the company to be in default for non-compliance with the order regarding the wrecking car and directing counsel to institute an action for the penalty under the law for those days that the company was clearly in default; i. e., from March 1st, 1908 to March 16th, 1908. The Commission further directed counsel to communicate to the company his intention of beginning an action in order that the company might present such excuses as it wished. As soon as the company learned of the action of the Commission it complied with the order by immediately placing a wrecking car at the bridge terminal, showing that it was not willfully resisting the order. The company has also admitted that the car has been of service in its present position and that earlier non-compliance was due to a misapprehension on its part. The following letter was in due course received from the company:

"April 24, 1908.

"Replying to your favor of the 21st instant, in which you kindly suggest that any statement we have to make respecting the resolution adopted by the Public Service Commission for the First District on April 17, 1908, directing Counsel to the Commission to commence an action against the Brooklyn Union Elevated Railroad Company to recover a fine for failure to comply with the terms of final order to station or retain a wrecking car at or near the Brooklyn Terminal of the New York and Brooklyn Bridge, should be verified, I beg to submit the following:

"The order of the Public Service Commission above referred to specified, in paragraph 1, six large tool boxes of wrecking tools, and in paragraph 2, a wrecking car or wrecking train, both to be installed as of the 1st day of March, 1908.

"As to the tool boxes, an extension was granted to April 1st, and it was mistakenly assumed by this Company that the extension of time applied also to the wrecking car. It was under this assumption that my letter under date of April 14th was written to the Commission, suggesting that the time of the order taking effect be further postponed to May 1st, owing to the condition of yard and tracks at the Brooklyn Bridge Terminus, from reconstruction work going on at that point, and there being no suitable standing room for the car.

"No reply to this communication being received from the Commission, it was further assumed that the Commission agreed with the management on this point and assented to the suggestion.

"An examination of the record shows that the management was mistaken in its understanding that Order of the Commission deferring the date of placing the tool boxes included the car, and that it was not in fact warranted in this assumption, aside from the bare fact that certain physical conditions rendered the storage of the car at that point for the time being impracticable.

"The sum of the case is simply this—the management of the Company was in error, and that without the least intention to deviate from the expressed wishes and order of the Commission, it was led into the commission of a technical offense, which should not have occurred.

"We regret the circumstances, for which no excuse can be offered other than the foregoing. We trust that the Commission itself will not deem us chargeable with any spirit of indifference to their orders, which at all times in the past we have endeavored to fully comply with."

Under all the circumstances, and inasmuch as the wrecking car was immediately placed at the bridge terminal when the company learned that it was considered to be in default, and inasmuch as non-compliance with the order was caused by mistake and misapprehension on the part of the company, I recommend that the resolution of the Commission directing that the counsel bring an action for the penalty be rescinded.

Commissioner Bassett thereupon moved the following resolution, which was duly seconded:

Resolved, That the resolution directing the counsel to begin action against the Brooklyn Union Elevated Railroad Company to collect the penalty incurred by it by reason of its non-compliance with final order No. 257 be, and the same hereby is, rescinded.

Ayes—Commissioners Willcox, McCarroll, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

(25)

2090

BROOKLYN PORTION OF BROOKLYN LOOP LINES—REPORT OF SPECIAL COMMITTEE.

The Secretary presented the following report of the special committee on the Brooklyn portion of the Brooklyn Loop lines, which was approved and ordered filed:

The Manhattan portion of the Brooklyn loop lines now in course of construction will be completed in about one year. No contract has been made for equipment and operation. The Board of Rapid Transit Railroad Commissioners let the contracts for the construction, but instead of proceeding with the construction of the Brooklyn portion gave their attention to the Fourth Avenue subway in the Borough of Brooklyn. Probably our predecessors considered that the Brooklyn Union Elevated Railroad Company would equip and operate the Manhattan portion of the Brooklyn loop lines and that the completion of the Brooklyn portion could be deferred for some time. This is shown by the fact that on February 7th, 1907, one week after the Rapid Transit Board by resolution approved the construction of the Centre Street subway, the following resolution was passed:

"Resolved, That the character of the rolling stock which will be allowed in the portion of Subway Route No. 9, connecting the Manhattan terminals of the Williamsburg and Brooklyn bridges, shall be at least as good as the most modern now operated on the elevated railway tracks of the Brooklyn Rapid Transit Company."

Your committee has had a number of conferences with the president and other officers of this company and has now been informed by them that the company is unwilling to consider equipping or operating the Manhattan portion of the Brooklyn loop lines under the existing requirements of the law. It is but fair to say that the company has not at any time so far as your committee can learn assented to the operation of this subway by it. The reasons of its officers for taking this position are that the operation of their cars across the bridges is carried on at a loss and that operation of trains by it in the Manhattan subway would bring no appreciable increase in income but would on the contrary result in such a loss as to impair the ability of the company to perform its obligations to the public within the Borough of Brooklyn. Your committee considers that it is now definitely settled that the Brooklyn Rapid Transit Company will not be willing to secure rights in the subway so that it can operate its Broadway-Brooklyn trains over the Williamsburg Bridge and through the Delancey and Centre Street subway to the City Hall.

The authorities are therefore confronted with two serious questions: first, how shall such subway be utilized to divert part of the Brooklyn Bridge traffic to the Williamsburg Bridge and, secondly, how shall the Centre Street subway be utilized in the meantime.

In the opinion of your committee the full use of the Williamsburg Bridge can be obtained in connection with the subway now in course of construction in Manhattan by building all or part of the Brooklyn portion of the loop lines. If the resources of the city would permit, it would be very desirable to complete the Broadway-Lafayette Avenue subway loop at once, or to extend the Broadway subway to East New York, but inasmuch as funds for municipal construction appear to be limited and the greatest possible usefulness and earning capacity of every mile of subway constructed must be considered, your committee has come to the conclusion that construction should first extend out Broadway-Brooklyn, from the Williamsburg Bridge to the corner of

[May 26, 1908.]

Broadway and Lafayette Avenue. This route has already been laid out and consents have been duly obtained. It would serve the most populous part of Brooklyn and divert to the Williamsburg Bridge and away from the Brooklyn Bridge a large part of the population that is now using the Lexington Avenue and Ridgewood elevated lines and causing great congestion on part of the Brooklyn Bridge surface lines. Such an important relief to the Brooklyn Bridge would allow more elevated and surface cars to operate across Brooklyn Bridge to every other part of Brooklyn and would tend to relieve the present overcrowding of through trains on every Brooklyn elevated line.

The proposed portion of the Brooklyn loop lines is laid out for four tracks and from the Williamsburg Bridge Plaza to Lafayette Avenue measures 11,000 feet. Its estimated cost including terminal construction at the Williamsburg Bridge is \$10,000,000.00. No real estate with the possible exception of stations or station entrances needs to be taken. The fact that it is now definitely settled that the Brooklyn Rapid Transit Company will not be willing to operate its Broadway-Brooklyn trains in the Centre Street subway brings this subject into a much more important place than it held during the last months of the existence of the Rapid Transit Board. No small stretch of subway in Brooklyn will divert so many passengers from the Brooklyn Bridge. Without it the Centre Street subway is almost useless. At some later time the Lafayette Avenue portion of the loop lines can be built, or construction extended further out Broadway.

(Signed) EDWARD M. BASSETT,

(Signed) WM. McCARROLL.

May 23, 1908.

(26)

COMPLAINT ORDER (No. 534).

O-534

On motion made and duly seconded a Complaint Order (No. 534) was adopted for satisfaction or answer within five days by the Flatbush Gas Company in the matter of the complaint of the Central Flatbush Taxpayers' Association with respect to the location of a gas tank on the south side of Winthrop Street near Nostrand Avenue.

(27)

DISMISSAL ORDER (No. 535).

O-535

Upon motion made and duly seconded a Dismissal Order (No. 535) was adopted in the matter of the ferry operated by the Long Island Railroad Company between Long Island City and Thirty-fourth Street, Manhattan.

TRAVIS H. WHITNEY, SECRETARY.

PROCEEDINGS OF
THE PUBLIC SERVICE COMMISSION
FOR THE FIRST DISTRICT.

FRIDAY, MAY 29, 1908,
TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners Edward M. Bassett, Milo R. Maltbie.

(1)

On motion, the record of the proceedings of the Commission for May 22, 1908, as printed in the CITY RECORD for May 28, 1908, was approved.

(2)

The Secretary presented the following notice of issue of corporate stock from N. Taylor Phillips, Deputy Comptroller, Department of Finance, which was ordered filed:

May 23, 1908.

DEAR SIR—At a meeting of the Board of Estimate and Apportionment, held May 15th, 1908, the Comptroller was authorized to issue Corporate Stock, to the amount of \$204,825.18 which was approved by the Mayor 190 .

I beg to advise you that in accordance with the above authorization, an account has been established upon our records from which all vouchers properly chargeable against this authorization should be drawn, entitled Rapid Transit Construction Fund—Manhattan—Bronx (Sub-Title 7).

(3)

The Secretary presented the following communication from the Secretary of the Sinking Fund Commissioners, which was ordered filed:

DEPARTMENT OF FINANCE—CITY OF NEW YORK. }
May 25, 1908. }

Public Service Commission, 154 Nassau Street, City:

GENTLEMEN—If there are any matters you desire the Commissioners of the Sinking Fund to pass on before the summer vacation sets in, it will be necessary for you to

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[Form 2048.]

[1 M (B)]

May 29, 1908.]

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make application at once, so that they can be looked into and reported on before the last meeting. Otherwise they will have to go over until Fall.

Very truly yours,

(Signed) N. TAYLOR PHILLIPS,
Secretary, Commissioners of the Sinking Fund.

(4)

1077

The Secretary presented a communication, dated May 29, 1908, from the Counsel to the Commission, transmitting two proposed forms of resolutions in regard to securing the approval of the Commissioners of the Sinking Fund for the sale of buildings on land acquired or to be acquired. The following resolution was thereupon moved and duly seconded:

Whereas, The Public Service Commission for the First District, having deemed it to be necessary and proper that The City of New York should acquire certain parcels of property situated in The City of New York, Borough of Manhattan, required for the construction, maintenance and operation of a part of the Brooklyn Loop Lines of the Rapid Transit Railroad to be constructed in part by the Degnon Contracting Company, in pursuance of a contract bearing date the 9th day of May, 1907, made between it and The City of New York, acting by the Board of Rapid Transit Railroad Commissioners, and in part by the Cranford Company, in pursuance of a contract bearing date May 27, 1907, made between it and The City of New York, acting by the Board of Rapid Transit Railroad Commissioners, and in part by the Bradley Contracting Company, in pursuance of a contract known as 9-0-4, bearing date the 27th day of June, 1907, made between it and The City of New York, acting by the Board of Rapid Transit Railroad Commissioners, and in part by the Bradley Contracting Company, in pursuance of a contract known as 9-0-1, bearing date June 27, 1907, made between it and The City of New York, acting by the Board of Rapid Transit Railroad Commissioners, which said parcels of property consist of certain lots known as Lot No. 17, Nos. 133, 135, and 137 Centre Street and 112 and 114 White Street; Lot No. 14, Nos. 139, 141 and 143 Centre Street; Lot No. 11, Nos. 145, 147 and 149 Centre Street and Nos. 105, 107 and 109 Walker Street; Lot Nos. 26, 27 and 28, Nos. 151, 153 and 155 Centre Street, Nos. 106 and 108 Walker Street and No. 240 Canal Street; Lot No. 36, corner of Centre and LaFayette Streets; Lot No. 1, No. 166 Centre Street; Lot No. 19, Nos. 157, 159, 161 and 163 Centre Street and No. 239 Canal Street; Lot No. 16, Nos. 193, 195 and 197 Centre Street; Lot No. 14, Nos. 191 and 201 Centre Street and No. 1 Howard Street; Lot No. 9, No. 156 Elizabeth Street; Lot No. 8, No. 154 Elizabeth Street; Lot No. 31, Nos. 170 and 170½ Bowery; Lot No. 32, No. 168 Bowery; Lot No. 29, No. 174 Bowery; Lot No. 28, No. 176 Bowery; Lot No. 11, No. 162 Elizabeth Street; Lot No. 12, No. 164 Elizabeth Street; Lot No. 4, Nos. 7, 9 and 11 Cleveland Place; Lot No. 1, Nos. 3 and 5 Cleveland Place; Lot No. 43, Nos. 1 Cleveland Place and 404 Broome Street; Lot No. 42,

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No. 402 Broome Street; Lot No. 41, No. 400 Broome Street; Lot No. 40, No. 398 Broome Street; Lot No. 39, No. 396 Broome Street; Lot No. 33, No. 185 Mulberry Street; Lot Nos. 31 and 32, Nos. 187 and 189 Mulberry Street; and a certain Plot X, situate on the south side of Delancey Street Extension between Cleveland Place and Mulberry Street.

And the Commission having acquired certain of said parcels of property or easements therein at private sale and having, for the purpose of acquiring said other parcels of property, duly made maps or plans and memoranda specifying and defining said parcels of property so to be acquired and having duly certified, filed and transmitted the several copies of the said maps or plans and having duly directed the Corporation Counsel to take legal proceedings to acquire said parcels of property, or certain easements therein, for The City of New York, which said easements include the right to tear down the buildings erected thereon or certain parts thereof, and the said Corporation Counsel having thereupon duly taken legal proceedings to acquire said "parcels of property" on said easements therein which said proceedings are now pending; and

Whereas, Certain of said property so acquired, or to be acquired as aforesaid, is or will be unnecessary for Rapid Transit purposes, to wit, the buildings erected on said parcels of property, or certain parts of said buildings, which, in order to construct said Brooklyn Loop Lines, must be torn down and the materials thereof removed and for that purpose the Commission desires to sell said buildings, or certain parts thereof, as soon as all of said parcels of property on which the same are erected shall be acquired, on condition that the same be torn down and the materials thereof removed; and

Whereas, On the 26th day of May, 1908, the Commission received from the Commissioners of the Sinking Fund of The City of New York the following communication, to wit:

"DEPARTMENT OF FINANCE—CITY OF NEW YORK. }
May 25, 1908. }

Public Service Commission, 154 Nassau Street, City:

GENTLEMEN—If there are any matters you desire the Commissioners of the Sinking Fund to pass on before the summer vacation sets in, it will be necessary for you to make application at once, so that they can be looked into and reported on before the last meeting. Otherwise they will have to go over until Fall.

Very truly yours,

(Signed) N. TAYLOR PHILLIPS,

Secretary, Commissioners of the Sinking Fund."

and

Whereas, The proposed sale of said buildings, or certain parts thereof, erected on said parcels of property is to be made subject to the approval of the Commissioners of the Sinking Fund of The City of New York, as required by law, and said parcels of property cannot be acquired and the sale of the buildings or parts thereof erected

thereon cannot be had and the request for said approval be made in time to be acted on by said Commissioners of the Sinking Fund at their last meeting before the summer vacation; and

Whereas, To prevent great delay in the completion of the said Brooklyn Loop Lines of the Rapid Transit Railroad it is necessary to have said buildings, or certain parts thereof, sold and torn down as speedily as possible; now, therefore, it is

Resolved, That the approval of the Commissioners of the Sinking Fund of The City of New York for the sale of said buildings, or certain parts thereof, be and the same hereby is requested, in advance of the sale thereof, on condition that said buildings be sold at public auction, after public advertisement for a period of fifteen days in the CITY RECORD, the proceeds thereof to be paid to the Comptroller of The City of New York, to be applied as provided by law.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

The following resolution was also moved and duly seconded:

Whereas, The Public Service Commission for the First District on May 26, 1908, duly passed the following resolution, to wit:

"Whereas, The Public Service Commission for the First District having deemed it to be necessary and proper that The City of New York should acquire certain parcels of property situated in the City of New York, Borough of Manhattan, required for the construction, maintenance and operation of a part of the Brooklyn Loop Lines of the Rapid Transit Railroad to be constructed by the Degnon Contracting Company in pursuance of a contract bearing date the 9th day of May, 1907, made between it and The City of New York, acting by the Board of Rapid Transit Railroad Commissioners, said parcels of property consisting of certain lots known as Lot No. 3, No. 142 Centre Street; Lot No. 4, No. 144 Centre Street; Lot No. 5, Nos. 146, 148 and 150 Centre Street and Nos. 111, 113 and 115 Walker Street; Lot No. 7, No. 117 Walker Street and Lot Nos. 8 and 9, Nos. 119 and 121 Walker Street; and the Commission having for the purpose of acquiring said parcels of property duly made maps or plans and a memorandum specifying and defining said parcels of property so to be acquired, and having duly certified, filed and transmitted the several copies of said maps or plans, and having duly directed the Corporation Counsel to take legal proceedings to acquire said parcels of property for The City of New York, and said Corporation Counsel having thereupon duly taken legal proceedings to acquire the same and such proceedings having been duly had that on the 13th day of April, 1908, an order was duly made and entered at a Special Term of the Supreme Court, in and for the County of New York, appointing three disinterested freeholders, residents of The City of New York, as commissioners of appraisal to ascertain and appraise the compensation to be made to the owners of said parcels of property, and fixing the time and place for the first meeting of the commissioners, and said commissioners hav-

ing duly taken and subscribed the oath required by the Twelfth Article of the Constitution of the State of New York, and having forthwith filed the same in the office of the Clerk of the County of New York, and the City of New York having thereupon become seized and possessed in fee or absolute ownership of all of said parcels of property; and

Whereas, Certain of said property, so acquired as aforesaid, has become unnecessary for rapid transit purposes, to wit, the buildings erected on said parcels of property, which in order to construct said Brooklyn Loop Lines must be torn down and the materials thereof removed, and for that purpose the Commission desires to sell said buildings, on condition that the same be torn down and the materials thereof removed; now therefore, it is

Resolved, That said buildings erected on said parcels of property and the appurtenances thereto be sold at public auction, subject to the approval of the Commissioners of the Sinking Fund of The City of New York; and it is further

Resolved, That notice of said sale be published in the CITY RECORD daily for a period of fifteen days, said notice being in the form hereto annexed, which the Chairman and Secretary are hereby directed to execute."

and

Whereas, On the 26th day of May, 1908, the Commission received from the Commissioners of the Sinking Fund of The City of New York the following communication, to wit:

"DEPARTMENT OF FINANCE—CITY OF NEW YORK, }
May 25, 1908.

Public Service Commission, No. 154 Nassau Street, City:

GENTLEMEN—If there are any matters you desire the Commissioners of the Sinking Fund to pass on before the summer vacation sets in, it will be necessary for you to make application at once, so that they can be looked into and reported on before the last meeting. Otherwise they will have to go over until Fall.

Very truly yours,

(Signed) N. TAYLOR PHILLIPS,
Secretary, Commissioners of the Sinking Fund."

and

Whereas, The proposed sale of said buildings directed in said resolution of the Commission is to be made subject to the approval of the Commissioners of the Sinking Fund of The City of New York, and in all probability the said sale cannot be had and the request for said approval be made in time to be acted on by said Commissioners of the Sinking Fund at their last meeting before the summer vacation; and

Whereas, In order to prevent great delay in the completion of the Brooklyn Loop Lines of the Rapid Transit Railroad, it is necessary to have said buildings sold and torn down as speedily as possible;

Now, therefore, it is

Resolved, That the approval of the Commissioners of the Sinking Fund of The City of New York for the sale of said buildings be and the same hereby is requested in

advance of the sale thereof, on condition that said buildings be sold at public auction after advertisement for a period of fifteen days in the CITY RECORD, the proceeds thereof to be paid to the Comptroller of The City of New York, to be applied as provided by law.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

(5)

2090

The Secretary presented a communication dated May 27th, 1908, from the President of the Borough of Brooklyn, transmitting a report of R. W. Creuzbaur, Consulting Engineer of Public Works in regard to using the Brooklyn Bridge as a connection between elevated lines in Brooklyn and subway lines in Manhattan. The papers were referred to the Committee on the Manhattan part of the Brooklyn Loop Lines.

(6)

O-536

Commissioner Maltbie presented the following opinion in the matter of the service upon the Kingsbridge surface line of the Third Avenue Railroad Company:

STATE OF NEW YORK—PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Improvements in and Addition to the Service of the Third Avenue Railroad Company and of Frederick W. Whitridge, as Receiver of said Company.

Kingsbridge Surface Line, under Order for hearing (No. 435).

OPINION.

The question of the adequacy of service upon the Kingsbridge surface line has been before the Commission for some time and several inspections have been made by the Transportation Bureau. When the matter was first taken up it was found that the New York City Railway Company was using the line for the experimental running of the pay-as-you-enter cars, which were to be used upon the Madison Avenue line. Owing to the lack of adequate facilities at the Kingsbridge car barn and the delays due to the breaking in of the pay-as-you-enter cars, the service on the Kingsbridge line was very much interrupted, but in order that the cars should be working smoothly when they were placed upon the Madison Avenue line, it seemed necessary that the motormen should be taught how to handle them and that the cars should be broken in before they were actually put into use. Consequently, no order was issued at that time.

After the pay-as-you-enter cars were taken off the line, observations were continued and an order for a hearing was issued, hearings duly held and evidence taken. At these hearings residents of this portion of the city appeared and complained regarding

the inadequacy of the service at certain hours and the irregularity with which the cars were operated. Evidence was also presented by the inspectors of the Commission.

When our observations were first undertaken the Kingsbridge line extended from 125th Street and Eighth Avenue westerly over 125th Street, Manhattan Street, Amsterdam Avenue and Broadway to the Harlem Ship Canal. It seemed clear at the very beginning that the service would be greatly improved if the southerly terminus of the line were changed from 125th Street and Eighth Avenue to First Avenue and 125th Street. This change was suggested to the company some time ago, was soon adopted by them and since it has been in operation has been found to work with great satisfaction to the public and to the company.

The evidence taken at the hearings shows that the service is adequate most of the time, except that it is very irregular and that upon Saturdays, Sundays and Holidays the number of cars run is not sufficiently increased to handle the crowds which go to that section of the city for recreation.

I have directed, therefore, that an order be prepared which shall not require that a uniform schedule be maintained throughout the week and upon Sundays, but that an elastic standard be fixed which will allow the company to operate few cars when few cars are needed and yet will require the company to operate a larger number when the demands make their operation necessary. The inspectors have noted that the times of maximum demand recur with considerable regularity, and it will be possible for the manager, by using the ordinary means of observation, to anticipate the demands and operate sufficient cars to adequately handle the traffic. As regards regularity, there is opportunity for great improvement.

New York, May 27th, 1908.

FINAL ORDER (No. 536).

Thereupon on motion of Commissioner Maltbie duly seconded, a Final Order (No. 536) was adopted, ordering and directing the Third Avenue Railroad Company and Frederick W. Whitridge, its Receiver,

(1) to route cars from 125th Street and East River to the northerly terminus of said line instead of from 125th Street and Eighth Avenue;

(2) to operate daily including Sundays except between the hours of 2 A. M. and 5 A. M. over every point of said Kingsbridge Line between 125th Street and East River and the northerly terminus of the line, a sufficient number of cars in each direction past any point of observation to provide during every fifteen minute period of the day and night a number of seats at least ten per cent. in excess of the number of passengers at that point, the number of cars passing any point to be, however, never less than six (6) in each direction except between the hours of 2 A. M. and 5 A. M.

(3) to institute said changes, improvements and additions by or before the 10th day of June, 1908.

(7)

O-537

FINAL ORDER (No. 537).

On motion duly seconded, a Final Order (No. 537) was adopted directing

(1) that the Staten Island Rapid Transit Railway Company remove its freight business now being conducted at the freight yard just east of Bay Street and opposite Townsend Avenue, Clifton, to the yard located east of Bay Street and about 150 feet north of Vanderbilt Avenue and extending therefrom north about 575 feet;

(2) that the movement of the locomotives from the locomotive storage yard opposite Simonson Avenue, Clifton, into and out of service be discontinued across Bay Street as far as it may be practicable to do so, by introducing said locomotives into service from the northern end of the yard.

Said order to take effect on June 30, 1908 and to continue in force for a period of two years from the date of the taking effect of the same.

(8)

O-538

FINAL ORDER (No. 538).

On motion by Commissioner Eustis, duly seconded, a Final Order (No. 538) was adopted, directing the New York Central and Hudson River Railroad Company to operate on its Harlem Division daily, except Sundays and holidays, at least the following trains:

Northbound.

At least to the northern boundary of the City of New York, scheduled to leave Grand Central Station within five minutes of the following hours:

12:59 A. M., making all stops within the City of New York except at 183rd Street;

5:24 A. M., making all stops within the City of New York, except at 183rd Street;

7:02 A. M., making all stops within the City of New York;

8:24 A. M., making all stops within the City of New York;

9:35 A. M., making all stops within the City of New York, except Morrisania, Claremont Park and 183rd Street;

10:50 A. M., making all stops within the City of New York;

12:05 P. M., making all stops within the City of New York;

12:27 P. M., Saturdays only, stops Melrose, Tremont, Botanical Gardens and all stations north within the City of New York;

1:36 P. M., making all stops within the City of New York;

2:36 P. M., making all stops within the City of New York, except Morrisania, Claremont Park, and 183rd Street;

3:40 P. M., making all stops within the City of New York;

4:20 P. M., stops Tremont, Botanical Gardens and all stations north, within the City of New York;

5:11 P. M., making all stops within the City of New York;

5:38 P. M., making all stops within the City of New York;

6:08 P. M., making all stops within the City of New York;

6:20 P. M., making all stops within the City of New York; except 183rd Street;

6:37 P. M., making all stops within the City of New York, except 183rd Street;
 6:58 P. M., stops at Botanical Gardens and all stations north, within the City of New York;

7:30 P. M., making all stops within the City of New York, except 183rd Street;
 8:35 P. M., making all stops within the City of New York, except 183rd Street;
 9:35 P. M., making all stops within the City of New York, except 183rd Street;
 10:35 P. M., making all stops within the City of New York, except 183rd Street;
 11:35 P. M., making all stops within the City of New York, except 183rd Street;

Southbound.

Scheduled to arrive at Grand Central Station within five minutes of the following hours:

6:34 A. M., making all stops within the City of New York, except at 183rd Street;
 7:04 A. M., making all stops within the City of New York;
 7:27 A. M., making all stops to Tremont, except 183rd St.;
 7:58 A. M., making all stops to Botanical Gardens;
 8:10 A. M., making all stops within the City of New York;
 8:13 A. M., making all stops to Woodlawn;
 8:43 A. M., making all stops within the City of New York;
 9:23 A. M., making all stops within the City of New York;
 10:04 A. M., making all stops within the City of New York, except at 183rd Street;
 11:32 A. M., making all stops within the City of New York, except at 183rd Street;
 1:03 P. M., making all stops within the City of New York, except at 183rd Street;
 1:52 P. M., making all stops within the City of New York, except Morrisania, Claremont Park, and 183rd St.

3:04 P. M., making all stops within the City of New York, except at 183rd Street;
 4:03 P. M., making all stops within the City of New York, except at 183rd Street;
 5:05 P. M., making all stops within the City of New York;
 6:04 P. M., making all stops within the City of New York;
 6:31 P. M., making all stops to Tremont, except Fordham and 183rd Street;
 7:15 P. M., making all stops within the City of New York, except at 183rd Street;
 7:42 P. M., making all stops to Botanical Gardens;
 8:04 P. M., making all stops within the City of New York, except 183rd Street;
 9:04 P. M., making all stops within the City of New York, except 183rd Street;
 10:34 P. M., making all stops within the City of New York, except 183rd Street;
 11:29 P. M., making all stops to Botanical Gardens, in addition Tremont and Melrose;

12:31 P. M., making all stops within the City of New York; except 183rd Street;

Said order to take effect when the new schedule goes into effect but not later than June 20, 1908, and to continue in full force and effect for a period of one year from and after the date of its taking effect, unless sooner modified or changed by order of the Commission.

(9)

O-539

COMPLAINT ORDER (No. 539).

On motion by Commissioner Bassett, duly seconded, a Complaint Order (No. 539) was adopted for satisfaction or answer within ten days by the Nassau Electric Railroad Company in the matter of the complaint of Tracy Grey with respect to the condition of cars and methods of transferring passengers on the Fifth Avenue Surface line.

(10)

O-540

EXTENSION ORDER (No. 540).

On motion by Commissioner Maltbie, duly seconded, an Extension Order (No. 540) was adopted, extending to June 15th the time of the Interborough Rapid Transit Company to file reports with respect to the number of car motors, car bodies, and car trucks operated by it, in compliance with Order No. 437.

(11)

O-541

COMPLAINT ORDER (No. 541).

On motion by Commissioner Bassett, duly seconded, a Complaint Order (No. 541) was adopted for satisfaction or answer within ten days by the Brooklyn Union Elevated Railroad Company in the matter of the complaint of A. Ziegler and I. Baer with respect to the unprotected condition of the Van Siclen Avenue Station of the City Line.

(12)

O-542

DISMISSAL ORDER (No. 542).

On motion by Commissioner Bassett, duly seconded, a Dismissal Order (No. 542) was adopted in the matter of the complaint of Leonard Rose against the Coney Island and Brooklyn Railroad Company regarding alleged inadequate service upon Covert Avenue and Stanhope Street lines of said Company.

(13)

O-543

Commissioner Bassett presented the following report in the matter of the hearing on motion of the Commission on the question of fixing a date for the completion by the Long Island Electric Railway Company of the construction of an overhead crossing over the tracks of the Long Island Railroad Company at the Jamaica and Hempstead Turnpike, Borough of Queens:

In the Matter
of

The Hearing on the Motion of the Commission on the Question of fixing a date for the Completion of the Long Island Electric Railway Company for the construction of an overhead crossing on the tracks of the Long Island Railroad Company at the Jamaica and Hempstead Turnpike, Borough of Queens.

REPORT.

In February, 1905, the Long Island Electric Railway Company, a street surface road, filed with the Board of Railroad Commissioners, under Section 68 of the Rail-

road Law, an application for a determination whether their street surface railroad should cross over or under or at grade of the tracks of the Long Island Railroad Company at the Jamaica and Hempstead Turnpike.

In June, 1905, the Board of Railroad Commissioners approved of a temporary grade crossing, but made no determination as to the ultimate separation of grades. At the end of the year permission was given by the same Board for the continuation of the grade crossing to June 1, 1908.

The Long Island Electric Railway Company now asks for further permission to continue the grade crossing for one year, and on the hearing amended their application by asking an extension for two years. After examination of the papers and after testimony taken on the hearing, I am of the opinion that the proceeding before the Board of Railroad Commissioners was never finally determined, as no final provision was ever made for the grade of the new street railroad. That Board did not say that until June 1, 1908 the tracks should cross at grade, and after that date should be elevated or depressed; but the final grade of the track was left undetermined and this application is, by consent of the applicant company, and the consent of the Long Island Railroad Company, whose track is to be crossed, to be considered a continuation of the old application.

From the testimony of our own inspectors and that of the engineers of the two railroad Companies, it would seem that this crossing is most carefully protected, and I believe that until it is possible to separate the grade of the Jamaica and Hempstead Turnpike from the grade of the Long Island Railroad, or at least until traffic on that highway is much heavier than at present, the Long Island Electric Railway Company should be allowed to remain on the highway and cross at grade.

I therefore submit herewith an order reciting the continuation of the proceeding and granting, in the meanwhile, permission to the Company to continue to cross at grade.

FINAL ORDER (No. 543).

Thereupon on motion of Commissioner Bassett, duly seconded, a Final Order (No. 543) was adopted directing:

(1) That pending a final determination by this Commission as to the ultimate grade of the tracks of the Long Island Electric Railway Company at the grade crossing of the Jamaica and Hempstead Turnpike with the Long Island Railroad Company, and pending the separation of the grades of the Jamaica and Hempstead Turnpike and the tracks of the Long Island Railroad Company, in the Borough of Queens, but in no event to exceed a period of two years from the date of the making and filing of this order, permission is granted the Long Island Electric Railway Company to maintain its present crossing with the tracks of the Long Island Railroad Company at the Jamaica and Hempstead Turnpike, Borough of Queens, City of New York;

(2) That this permission shall cease and determine upon the separation of the grades of the Jamaica and Hempstead Turnpike and the Long Island Railroad Com-

pany, and that in the event of such separation of grades the tracks of the Long Island Electric Railway Company shall follow the grade of the Jamaica and Hempstead Turnpike;

(3) That this permission shall cease and determine upon a final determination of the Public Service Commission for the First District in this proceeding after a hearing duly had, upon ten days' notice to the Long Island Electric Railway Company and to the Long Island Railroad Company on or before June 1st, 1910;

Said order to take effect immediately and to continue in force until June 1st, 1910.

(14)

O-544

Commissioner Maltbie presented the following opinion in the matter of the hearing on motion of the Commission on the question of repairs, improvements and additions to equipment and appliances, including rolling stock, of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson as Receivers of said Company:

In the Matter
of

The Hearing on the Motion of the Commission on the Question of Repairs, Improvements, and Additions to Equipment and Appliances, including Rolling Stock, of the New York City Railway Company and of Adrian H. Joline and Douglas Robinson, as Receivers of said Company, in the particulars hereinafter set forth.

Overhauling Closed Cars, etc., under
Order for Hearing (No. 466).

OPINION.

Several weeks ago the Commission adopted an order directing the Receivers of the New York City Railway Company to overhaul and repair all of their open cars by the end of this month. At that time no action was taken relative to the closed cars, as it was considered more necessary that the cars to be used during the summer should be put in first class operating condition prior to the opening of the summer season when the closed cars would go out of use and the open cars come into use. With this work well under way the Commission took up the subject of overhauling and repairing the closed cars. At these hearings evidence was presented which showed that Receivers would be able to begin work upon the closed cars on the 1st of June or shortly thereafter and that six (6) long cars and four (4) short cars could be turned out daily upon an average from and after the middle of June. At the rate of ten (10) a day the Receivers will have overhauled and repaired nearly all of the closed cars by the end of the fall. Our engineers have endeavored to work out a plan whereby all of them would be ready for use by the time open cars must be taken out of service, but owing to the lack of shop facilities, due to loss by fire, and to the impossibility of reconstructing the shops in time to operate them to their full capacity upon the whole of this work, it does not seem possible that the Receivers will be able to

very greatly increase above ten (10), the average number turned out per day. It is possible that some unforeseen circumstance may interfere with the maintenance of this average, but the order as drawn allows a certain amount of leeway and if anything unforeseen should arise, the Receivers may ask for a rehearing and the order can be modified if necessary.

New York, May 29, 1908.

FINAL ORDER (No. 544).

Thereupon on motion of Commissioner Maltbie, a Final Order (No. 544) was adopted directing:

(1) That the closed cars and closed car equipments of said New York City Railway Company or of said Adrian H. Joline and Douglas Robinson, as Receivers of said Company, receive a thorough inspection, and that said closed cars and closed car equipments be thoroughly overhauled and repaired so that when completed said closed cars and closed car equipments shall be in a first-class operating and substantially new condition, having safe, proper, and adequate car bodies, headlights, pilot fenders, wiring, brasses, commutators, field coils, armature windings, trucks, brakes, controllers, automatic circuit breakers, resistances, axle gear wheels, armature pinions and car wheels;

(2) That said New York City Railway Company, and its said Receivers, turn out, so overhauled and repaired, on or before the 1st day of July, 1908, not fewer than one hundred of said closed cars and closed car equipments, and that thereafter they turn out, so overhauled and repaired, the remaining closed cars and closed car equipments at the rate of not fewer than one hundred every ten working days until all of said closed cars and closed car equipments shall have been turned out so overhauled and repaired;

(3) That the New York City Railway Company, or its said Receivers, notify the Commission daily in writing, in a form to be prescribed by the Commission, of the number of said closed cars and closed car equipments so turned out as aforesaid, giving the identification numbers thereof, and stating when and where the same are to be tested.

(15)

O-403

The Secretary presented a communication, dated May 23, 1908, from the Receivers of the New York City Railway Company, in regard to Order No. 403 of the Commission calling for transcripts of certain "run-in" books of said Company, together with the reply of the Commission thereto, dated May 27, 1908, and a further communication from said Company, dated May 27, 1908, which were ordered filed and were as follows:

NEW YORK CITY RAILWAY COMPANY, }
621 BROADWAY, }
NEW YORK, May 23rd, 1908. }

To the Honorable the Public Service Commission for the First District, No. 154 Nassau Street, New York City:

DEAR SIRS—We notice in one of the newspapers a statement to the effect that at a meeting of your Board held yesterday your counsel was directed to apply to the

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Supreme Court for a writ of mandamus compelling obedience to your Order No. 403 issued on April 7th, 1908, by the terms of which, among other things, the New York City Railway Company or its Receivers were directed to "furnish and forward daily to the Commission a transcript of the daily entries in the so-called "run-in" book or books, showing, among other things, which of said cars are out of order."

Assuming this statement to be correct, we beg to advise you that the contemplated proceeding is quite unnecessary on your part, as we have not refused, nor is it our intention to refuse the production of any records or transcripts of records to which you may be entitled. In our letter of April 13th, 1908, acknowledging receipt of said Order No. 403, you were advised by us that we should be able to fulfill its requirements subject to certain enumerated contingencies.

We have sent no transcripts of records covering the subject of "run-in" cars for the reason that we have no record precisely answering the description in your Order. In view of the fact that there had been some informal discussion of the subject with representatives of your Board we had assumed (perhaps unwarrantably) that we should hear from you further on the matter in case it was deemed essential. The nearest approach we have to a record answering the description of your Order consists of certain sheets or slips signed daily by the motormen at the conclusion of their trips. Transcripts of these will be sent you daily if you wish, although it will involve considerable clerical work which seems to us unnecessarily burdensome, and it is only fair to state that such transcripts in our judgment will not accurately give information of the character which we assume from the context of your order is desired by you.

Yours very truly,

(Signed) ADRIAN H. JOLINE,

(Signed) DOUGLAS ROBINSON,

Receivers.

May 27th, 1908.

Mr. ADRIAN H. JOLINE and Mr. DOUGLAS ROBINSON, *Receivers, New York City Railway Co.*, 621 Broadway, New York City:

DEAR SIRS—I am directed by the Commission to reply as follows to your letter of May 23rd:

It is true that upon last Friday the Commission directed counsel to apply to the court for a writ of mandamus compelling obedience to Order No. 403 of the Commission, and to proceed to collect penalties for violation. The resolution was as follows:

Whereas, The New York City Railway Company and its Receivers, Adrian H. Joline and Douglas Robinson, have violated Order No. 403 of the Commission in having failed to furnish transcripts of the daily entries in their "run-in" books as required by said order; and

Whereas, Thirty-nine days have elapsed between the time when the order took effect and the present date.

Resolved, That the Counsel be authorized and directed to prepare a petition for a mandamus compelling the New York City Railway Company and its Receivers to supply such transcripts, and also

Resolved, That the Counsel be and hereby is authorized and directed to commence an action or actions against the said New York City Railway Company and its Receivers, Adrian H. Joline and Douglas Robinson, to recover all forfeitures and penalties incurred for said violations of said Order No 403 and prosecute the same to final judgment pursuant to the provisions of the Public Service Commissions Law.

This action was taken in view of the following facts: Upon April 7th the Commission adopted an order relating principally to the overhauling and repairing of the open cars operated upon the lines of the New York City Railway Company. One of the sections in this order was:

Ordered, That from and after April 13, 1908, the said New York City Railway Company, for its said Receivers, furnish and forward daily to the Commission a transcript of the daily entries in the so-called "run-in" book or books, showing, among other things, which of said cars are out of order.

This order was adopted after two hearings had been held, one upon March 24th and the other upon April 3rd, at which hearings Mr. Oren Root appeared, at the request of Commissioner Maltbie, and testified regarding the matters then being considered. At the last hearing he was asked by Commissioner Maltbie, who presided, whether he knew of any reason why "copies of the entries in the 'run-in' book should not be furnished the Commission" (page 51 of the record). Mr. Root replied: "That is a matter which the receivers are considering and I prefer not to answer it while it is under consideration by them," which clearly shows that you were advised of the terms of the proposed order relating to this subject. The discussion between the Commissioner and Mr. Root continued, and it appeared that Mr. Root thought the furnishing of such information to the Commission "would be very detrimental to the working forces in the car houses," but he was not able to explain to the satisfaction of the Commissioner in what way it would be detrimental. Nowhere in the evidence does it appear that there was any misunderstanding as to the precise records referred to by the language of the order. Mr. Root specifically stated that he knew of no other reason why transcripts should not be furnished and admitted that the records were kept. Further, when Mr. McLimont was examining your property, "run-in" books were being kept, and the records of the Commission now contain transcripts of these books for the month of October. If you are not now keeping them you must very recently have changed your practice.

Mr. McLimont, the electrical engineer of the Commission, testified that the transcripts from the "run-in" books would furnish valuable information to the Commission and that by no other means could the Commission so promptly be in-

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formed as to the operations of the companies and the condition of the equipment as by such daily reports. Mr. McLimont also testified that he had operated a number of street railways, and as an operating man he knew of no reason why copies of the entries in the "run-in" book should not be furnished to the Commission. At a preceding hearing in another case Mr. Maher, general manager for the receiver of the Third Avenue Railway Company, testified that he knew of no reason why copies of the entries of the "run-in" books should not be furnished, and in compliance with other orders adopted by the Commission where the precise language is used as adopted in Order No. 403, reports are being made to us daily from several other companies in New York City.

Order No. 403, which has been disobeyed, was adopted April 7th, 1908. No request for a re-hearing upon this order was received from you, and under date of April 13th, you wrote stating that Order No. 403 would be accepted and obeyed, subject to certain contingencies, but not one of these relate apparently to the "run-in" book or books.

Whether the transcripts of the entries in the "run-in" books will give us the information which we desire can be determined when they have been furnished, and of course this is a matter to be decided by the Commission. But the Commission has found that the transcripts furnished by other companies have been of great value. If there is any question as to the form to be used by you, the Commission will gladly discuss this with you. But when over a month has elapsed, the failure to obey an order seems to warrant some definite action. The Commission expects that its orders will be obeyed.

Very truly yours,

TRAVIS H. WHITNEY, Secretary.

NEW YORK CITY RAILWAY COMPANY,
LESSEE METROPOLITAN STREET RAILWAY SYSTEM, }
621 BROADWAY,
NEW YORK, May 28th, 1908. }

To the Honorable The Public Service Commission for the First District, 154 Nassau Street, New York City:

DEAR SIRS—We have your letter of the 27th inst., in reply to our letter to you of May 23rd, relative to compliance with your Order No. 403 under date of April 7th, 1908. Your letter has a magisterial tone which it seems to us is wholly unwarranted by the circumstances. Whatever may have been said by Mr. Root when attending at the request of your Board at any of your hearings, we do not understand that he made any statements inconsistent with what we said in our letter, namely, that no books are kept by us which technically answer the description of your Order No. 403. There has been no change since the Receivership in the character of our records regarding cars disabled or out of repairs, and since your Mr. McLimont found on the occasion of his visit in October last that "run-in" books were kept, it will doubtless be possible for him readily to identify such of our records as he deems to answer that description.

[May 29, 1908.]

If you will have him call at the place where he saw such records and point them out to our representative we will see that you are furnished with transcripts thereof as desired.

While no doubt you expect your orders to be obeyed, as you state, these expectations can hardly be fulfilled in instances where they affect business involving the keeping of voluminous records, unless those orders are expressed in such clear and definite terms that there can be no difficulty in ascertaining precisely what they require.

Yours very truly,

(Signed) ADRIAN H. JOLINE,

(Signed) DOUGLAS ROBINSON,

Receivers.

(16)

O-504

The Secretary presented a communication from J. F. Calderwood, Vice-President and General Manager of the Brooklyn Heights Railroad Company, under date of May 26th, 1908, containing a notification to the effect that said Company accepts and will obey the terms of Final Order No. 504 with respect to service on Flatbush Avenue Line.

(17)

The Secretary stated that the following communication had been sent by the Chairman to the Board of Aldermen:

May 28th, 1908.

Hon. PATRICK F. MCGOWAN, President, Board of Aldermen, City Hall, New York:

DEAR SIR—In reply to the resolution adopted by the Board of Aldermen, requesting the Public Service Commission to order the New York City Railway Company to refrain from storing cars on the Lexington Avenue line from 116th Street to 129th Street, I beg to state that the matter has been considered by the Commission.

Investigation has developed the following facts: Within the past year or so the New York City Railway Company has lost, by fire, a number of large car barns, which has greatly decreased the capacity of their barns for storing cars. Certain of them are now being rebuilt, and because of this re-construction it is difficult to use any large portion of the sites for storage purposes. It has become necessary, therefore, to adopt other means and the Commission has made several suggestions, particularly in the direction of the utilization of vacant blocks. But owing to the fact that the surface cars are operated by underground conduit, a large amount of construction work would be necessary for the utilization of such vacant lots as storage yards. If the cars were overhead trolleys, this would be a simple and easy matter, but as these cars must be used every day, the vacant lots could not be adequately equipped to handle all of the cars very much before the barns themselves will have been reconstructed.

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Furthermore, the Commission has directed the receivers to overhaul and repair every one of their cars, amounting to upwards of 2,000 in all. This work has required the employment of a large number of men and a great increase in their shop facilities for repairing and painting the car bodies and the overhauling of the electrical equipments. Much of the space in the car houses which ordinarily might be used for storage has been converted, therefore, into shops.

The Commission has also ordered the companies to operate a larger number of cars than they have been running, which has necessitated the storing of the cars during the night where they can be run out when needed in the morning, and makes it impossible to remove the cars any great distance from the lines upon which they are being used.

The total result of these facts is that it has been necessary for the company to store many of their cars in the streets. We have had this in mind for some time and would gladly have issued an order requiring the adoption of some other method, but it seems impossible to repair the cars as rapidly as the public desires, to operate as many cars as we think should be operated to meet the demands of the public—and the number is being increased from week to week—without temporarily storing cars in streets. The Commission feels positive that when the Board of Aldermen understands the conditions, they will agree with the Commission that it is preferable, temporarily, to undergo the inconvenience due to storing of cars in the streets rather than to interfere with the work of overhauling the cars and to make necessary the operation of a less number from day to day. I wish to assure you that as soon as it is possible to order the companies to cease using the streets for storage purposes, this will be done.

Very respectfully,

(Signed) W. R. WILLCOX, Chairman.

(18)

The Secretary stated that the following communication had been sent by the Chairman to the Commissioner of Bridges:

NEW YORK, May 27, 1908.

MR. J. W. STEVENSON, *Commissioner, Department of Bridges*, Nos. 13 to 21 Park Row, New York City:

DEAR SIR—It seems important to the Commission that provision should be made in the new Manhattan terminal of the Brooklyn Bridge for eight-car trains or even ten-car trains, if possible. We understand that it will be your endeavor to make room for long trains in this terminal.

Enclosed find copy of a report that was approved by the Commission and filed on May 26th, 1908.

Yours very truly,

(Signed) W. R. WILLCOX, Chairman.

(19)

1373

The Secretary presented the following communication from the Interborough Rapid Transit Company with regard to the so-called Steinway Tunnel, which, on motion, was referred to the Committee of the Whole:

INTERBOROUGH RAPID TRANSIT COMPANY, }
13-21 PARK ROW,
NEW YORK, May 26th, 1908. }

Hon. WILLIAM R. WILLCOX, Chairman, Public Service Commission for the First District:

DEAR SIR—On February 27th last the Chairman of the Executive Committee of this Company wrote you calling your attention to the status of the tunnel railroad of the New York & Long Island Railroad Company extending from 42nd Street and Fourth Avenue in the Borough of Manhattan under 42nd Street to the East River, and under the East River and private property to Fourth Street, Long Island City, and under Fourth Street to East Avenue, and making several suggestions as to the method of dealing with that railroad.

The proposition did not receive any practical consideration by your Board because under the then existing law it was without jurisdiction in the premises. As the Governor has now signed the so-called "Frawley Bill", amending the Rapid Transit Law by adding a new section, known as 34-f, to the act, empowering your Commission, with the approval of the Board of Estimate and Apportionment, to purchase such a line of railway and to make contracts with respect to its maintenance and operation, I beg to renew the suggestions embodied in the letter of February 27th, 1908, above referred to, and to state that if the general proposition embodied in that letter commends itself to the judgment of your Board this company would be happy to take up with you the consideration of the details and the means of carrying it out.

Yours very respectfully,

(Signed) E. P. BRYAN, President.

The letter of February 27 will be found in Minutes of Proceedings, 1908, page 474.

(20)

2092

BROOKLYN LOOP LINES—PURCHASE OF REAL ESTATE.

The Secretary presented a communication dated May 28th, 1908, from the Counsel to the Commission, transmitting a proposed resolution in connection with the offer of the Rossiter Realty Company to purchase certain real estate on Centre and Walker Streets. The following resolution was thereupon moved and duly seconded:

Whereas, On the 18th day of February, 1908, the Commission, in behalf of The City of New York, duly entered into a certain contract with the Rossiter Realty Company, the owner of certain real property situated on the southwest corner of Walker and Centre Streets and known as Nos. 145, 147 and 149 Centre Street and Nos. 105, 107 and 109 Walker Street, Borough of Manhattan, City of New York, for the

purchase of said real property in fee simple, subject, however, to certain leases, for the sum of One Hundred and Seventy Thousand Dollars (\$170,000.00), and

Whereas, It is necessary for the purpose of construction of a part of the Brooklyn Loop Lines that said leases be cancelled or extinguished, to the end that the building situated on the said property may be torn down, and

Whereas, The said Rossiter Realty Company is willing to purchase said leases and to convey to The City of New York the absolute fee of said real property free of all encumbrances, for the further sum of Four Thousand Four Hundred and Seventy Dollars (\$4,470), making in all the sum of One Hundred and Seventy-four Thousand Four Hundred and Seventy Dollars (\$174,470.00), and

Whereas, The Corporation Counsel of The City of New York approves of said additional payment and the purchase of said real property free and clear of all encumbrances for the sum of One Hundred and Seventy-four Thousand Four Hundred and Seventy Dollars (\$174,470),

Now, therefore, it is

Resolved, That said offer of said Rossiter Realty Company to purchase said leases and to convey to The City of New York the absolute fee of said real property free of all encumbrances, for the further sum of Four Thousand Four Hundred and Seventy Dollars (\$4,470.00), making in all the sum of One Hundred and Seventy-four Thousand Four Hundred and Seventy Dollars (\$174,470.00), be and the same hereby is accepted, and that the Chairman and Secretary of the Commission be and they hereby are authorized and directed to execute, under the seal of the Commission and in behalf of The City of New York, any and all papers in modification of and supplementary to said contract necessary to carry this resolution into effect.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

(21)

O-384-A

Commissioner Bassett submitted a report of a hearing held under Order No. 384-A, covering service on the DeKalb Avenue line of the Coney Island and Brooklyn Railroad Company, that he would consider the testimony indicated that it would be unreasonable to require the cars of said Company to operate through side streets instead of Fulton Street and that the operation of open cars now furnished sufficient seating capacity. The report was approved and ordered filed.

(22)

3357

The Secretary presented a communication dated May 25, 1908, from Prof. Franklin W. Hooper, Director of the Brooklyn Institute of Arts and Sciences, 502 Fulton Street, Brooklyn, protesting against the construction of a subway through Ashland Place at a distance less than ten feet from the foundation walls of the Academy of Music Building, and asking for a hearing in the matter. The communication was ordered filed.

(23)

2184

The Secretary presented a communication dated May 26, 1908, from Judson G. Wall, President of Prospect Heights Citizens Association of Brooklyn, urging the immediate construction of the subway to the Willink entrance of Prospect Park, which was ordered filed.

(24)

On motion, duly seconded, it was

Resolved, That during the absence on leave of Henry B. Seaman, Chief Engineer, from May 28 to July 5, 1908, the Commission hereby designate George S. Rice, Engineer of Subway Construction, to be Acting Chief Engineer with full power to take any action which the Chief Engineer, if present, might be empowered to take.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

(25)

The following resolution was moved and duly seconded:

Resolved, That Dr. Cary T. Hutchinson be employed to test the different types of electric meters used within the district, and to report whether any or all of said types, defining definitely each type, are capable of properly registering current, and if said meters are in the condition in which they are usually set, at a total expense not to exceed \$2,000.00.

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

(26)

On motion, duly seconded, it was

Resolved, That this Commission hereby makes the following appointment, approves the following leave of absence, and, due to lack of work, approves the following suspensions:

	Monthly Salary.	Take Effect.
Provisional Appointment:		
Harry W. Schulman, Junior Engineering Draughtsman.....	\$75.00	June 16, 1908
Leave of Absence on Account of Illness:		
S. Shapiro, Transit inspector, two weeks, from June 1st, 1908.....		
Suspensions:		
Thaddeus A. Judson, Cement Tester, appointed December 1, 1900.....		June 1, 1908
Benjamin Maurice, Inspector of Steel, appointed August 8, 1902.....		June 1, 1908

Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

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1192

(27)

The Secretary presented the following vouchers, the bills of which had been duly approved by Chairman Willcox, as Committee on Audit for the month of May, whereupon, on motion, duly seconded, it was

Resolved, That the vouchers enumerated below be approved by the Commission and forwarded to the Comptroller of the City of New York for payment:

Voucher No.	In Favor of	Services or Material	Amount
1092	New York American.....	Advertising invitations to contractors to construct 4th Ave. Route, Brooklyn Sections, Nassau to Willoughby Strts. and 10th to 27th Sts. to Ashland Place, Bills Apr. 6 (2), 1908.	\$1,290.00
1093	The New York Herald Company.....	Advertising invitations to contractors to construct 4th Ave. Route, Brooklyn Sections, Nassau to Willoughby Strts. and 10th to 27th Sts., Bills Apr. 6 (2), 1908.	972.29
1094	New York Press Co. Ltd....	Advertising invitations to contractors to construct 4th Ave. Route, Brooklyn Sections, Nassau to Willoughby Sts. and Sackett to 10th Sts. Bills Apr. 23 (2), 1908.	1,032.00
1095	The Sun.....	Advertising invitations to contractors to construct 4th Ave. Route, Brooklyn Sections, Willoughby St. to Ashland Pl. and Fulton to Sackett Sts. Bills May 21 (2), 1908.	1,039.20
1096	The New York Times.....	Advertising invitations to contractors to construct 4th Ave. Route, Brooklyn Sections, Fulton to Sackett Sts. and 27th to 43rd Sts. Bills Apr. 6 (2), 1908.	1,058.40
1097	The Tribune Association....	Advertising invitations to contractors to construct 4th Ave. Route, Brooklyn Sections, Nassau to Willoughby Sts. and Sackett to 10th Sts. Bills Apr. 6 (2), 1908.	1,164.00
1098	The World.....	Advertising invitations to contractors to construct 4th Ave. Route—Bklyn Sections, Willoughby St. to Ashland Pl. and 10th to 27th Sts. Bills Apr. 6 (2), 1908.	1,005.90
1099	The Globe & Commercial Advertiser	Advertising invitations to contractors to construct 4th Ave. Route—Bklyn Sections, Willoughby St. to Ashland Pl. and Fulton to Sackett Sts. Bills Apr. 23 (2), 1908.	1,132.80
1100	Mail & Express Co.....	Advertising invitations to contractors to construct 4th Ave. Route—Bklyn Sections, Sackett to 10th Sts. and 10th to 27th Sts. Bills Apr. 6 (2), 1908.	1,087.20
1101	The Evening Post.....	Advertising invitations to contractors to construct 4th Ave. Route—Bklyn Sections, Fulton to Sackett Sts. and Sackett to 10th Sts. Bills Apr. 7 (2), 1908.	1,003.20
1102	The Brooklyn Daily Eagle..	Advertising invitations to contractors to construct 4th Ave. Route—Bklyn Sections, Nassau to Willoughby Sts. and 10th to 27th Sts. Bills Apr. 6 (2), 1908.	439.68
1103	The Brooklyn Citizen.....	Advertising invitations to contractors to construct 4th Ave. Route—Bklyn Sections, Willoughby St. to Ashland Pl. and 27th to 43rd Sts. Bills Apr. 6 (2), 1908.	448.32
1104	Brooklyn Daily Times.....	Advertising invitations to contractors to construct 4th Ave. Route—Bklyn Sections, Sackett to 10th Sts. and 27th to 43rd Sts. Bills Apr. 6, 24, 1908.	404.16
1105	The Brooklyn Union Publishing Company.....	Advertising invitations to contractors to construct 4th Ave. Route—Bklyn Sections, Fulton to Sackett Sts. and 27th to 43rd Sts. Bills Apr. 6 (2), 1908.	444.48
Total.....			\$12,521.63

The following payrolls were approved by Chairman Willcox:—

Voucher No.	In Favor of	Services or Material	Amount
1089	Inspectors of Masonry.....	Week ending May 20, 1908.....	\$1,361.48
1090	Gas Meter Testers.....	Week ending May 20, 1908.....	72.00
1136	Office Staff.....	Month ending May 31, 1908.....	5,854.98
1137	Law Department.....	Month ending May 31, 1908.....	3,106.66
1138	Bureau of Statistics and Accounts	Month ending May 31, 1908.....	1,430.00
1139	Bureau of Gas and Electricity	Month ending May 31, 1908.....	2,013.33
1140	Bureau of Franchises.....	Month ending May 31, 1908.....	825.00
1141	Chief Engineer's Staff.....	Month ending May 31, 1908.....	1,634.99
1142	Transportation Bureau.....	Month ending May 31, 1908.....	7,179.15
1143	Bureau of Subway Construction	Month ending May 31, 1908.....	32,351.47

The following payrolls were approved by Commissioner Bassett as Acting Chairman:—

1106	Inspectors of Masonry.....	Week ending May 27, 1908.....	1,387.53
1107	Gas Meter Testers.....	Week ending May 27, 1908.....	73.50
Total.....			<u>\$57,290.09</u>

To the State Comptroller, approved by Chairman Willcox:—

1144	Salaries of Commissioners, Counsel and Secretary....	Month ending May 31, 1908.....	\$7,583.33
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Ayes—Commissioners Willcox, Bassett, Maltbie.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.